UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 10-CR-0019(RJD)

-against- : United States Courthouse
: Brooklyn, New York

ABID NASEER,
: Tuesday, February 17, 2015
Defendant. : 9:30 a.m.

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TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE RAYMOND J. DEARIE
UNITED STATES SENIOR DISTRICT JUDGE, AND A JURY.

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(In open court.)

COURTROOM DEPUTY: All rise. The United States District Court for the Eastern District of New York is now in session. The Honorable Raymond J. Dearie is now presiding.

(Honorable Raymond J. Dearie takes the bench.)

COURTROOM DEPUTY: Calling criminal cause for jury trial in Docket No. 10-CR-0019, *United States of America against Abid Naseer*.

Counsel, please note your appearances for the record.

MS. AHMAD: For the United States of America, Assistant United States Attorney Zainab Ahmad Celia Cohen, and Michael Canty.

Good morning, your Honor.

MR. NASEER: James E. Neuman legal advisor for Abid Naseer.

Good morning, your Honor.

THE COURT: Good morning. Please be seated.

(Defendant enters the courtroom at 9:46 a.m.)

THE COURT: I thought I'd come out and see if there are any preliminary matters. I believe everyone's here with the jurors, so we should be ready to go at the appointed hour.

Anything anybody wants to take up before we begin?

MS. AHMAD: Your Honor, the only thing we wanted to take up was the subject of our motion filed on Sunday, the

15th.

We intend to describe in the opening statement the document that we're seeking to admit. We do not intend to make any description of the events that led to its retrieval and we wanted to understand from your Honor if you felt that the document would be admitted and, therefore, that we could make that representation.

THE COURT: Well, I'm not going to make a final ruling because Mr. Naseer has not had an opportunity to reply or respond. But I will permit to you make those references in your opening statement you proceed at your peril, of course.

MS. AHMAD: Thank you, Judge.

THE COURT: Anything, Mr. Naseer.

MR. NASEER: Yes, sir. I have not received the documents, actually in form of disks.

THE COURT: Which document is that, sir?

MR. NASEER: That is the Bates number one, sorry, February the -- February the 13th, 2015, Page 1257.

MS. AHMAD: We sent Mr. Naseer a disk of those documents but I have paper copies that I can give him right now.

THE COURT: Please. They're not being offered at the moment, Mr. Naseer. You'll have an opportunity to -- assuming there's an objection, I don't know if there is going to be an objection.

MR. NASEER: There is there will be an objection.

THE COURT: I'm sorry.

MR. NASEER: There is going to be an objection.

THE COURT: Well, even before reading that you know that huh? Okay. Fair enough.

We will give you an opportunity to voice your objection when the Government offers those documents.

MR. NASEER: Okay.

THE COURT: Anything else?

MR. NASEER: Sir, yesterday, Mr. Neuman booked a legal visit to visit with me at MDC and I wasn't allowed to see Mr. Neuman and I was having a problem leaving the unit at MDC. The staff member at MDC would not allow me to go downstairs to see Mr. Neuman and I documented the issue and I addressed it to the department concerned and I received a reply. We did not resolve the issue.

THE COURT: What is the issue?

MR. NASEER: Sir, does the Court mind if I produce the documents?

THE COURT: Do you have a copy for the Government? If not, we'll take it.

(A brief pause in the proceedings was held.)

MR. NEUMAN: He does not have copies.

THE COURT: We'll make copies.

(A brief pause in the proceedings was held.)

THE COURT: So I just skimmed through it very quickly. So the problem is before you can leave the unit you have to undergo a pat down.

MR. NASEER: That's correct, sir.

THE COURT: By female officers?

MR. NASEER: Well, the general procedure is that every inmate has to go through a pat down, sir. And I requested for religious reasons that a male officer could be provided and they do accommodate that on all occasions. But the officer mentioned in the request has a specific issue with the patting down Muslim inmates. She will not allow me to leave the unit unless I get patted down by her.

THE COURT: I understand your concern, the frustration, I hope you understand mine. Can you deal with this, please?

MS. AHMAD: Yes, your Honor.

This is the first we've heard of it but we'll call the MDC at the lunch break.

THE COURT: We're going to resolve that issue for you, Mr. Naseer. If it persists you let me know.

MR. NASEER: Appreciate it, sir.

THE COURT: Anything else?

MR. NASEER: Nothing, Judge.

THE COURT: How long do you expect to be in your opening?

MS. COHEN: About 20 minutes your Honor.

THE COURT: Mr. Naseer, how long do you expect to be in your opening?

MR. NASEER: Ten minutes, sir.

THE COURT: Stand at ease. See you in ten minutes.

(A recess in the proceedings was taken.)

THE COURT: Good morning, everyone. Please be seated.

I understand there are some that cannot access the courtroom. I'm told the staff is working on some sort of an overflow facility which may take a few minutes to get operational. Otherwise, we're ready to proceed.

As is the routine, as soon as the jury enters, I'm going to ask the parties whether the jury is satisfactory. That's a routine question we put to everyone before the jury is sworn.

COURTROOM DEPUTY: Judge Dearie, we're all set.

THE COURT: Bring them in.

(A brief pause in the proceedings was held.)

THE COURT: All rise.

(Jury enters courtroom at 10:04 a.m.)

THE COURT: Good morning, everybody. If the jury with remain standing. Everyone else please be seated.

Is the jury satisfactory to the Government?

MS. AHMAD: It is, your Honor.

THE COURT: And to the defense?

MR. NASEER: Yes, sir.

THE COURT: Swear the jury, please.

COURTROOM DEPUTY: Please raise your right hand.

(Jury panel sworn by the courtroom deputy.)

THE JURY: (Collectively) Yes.

COURTROOM DEPUTY: Thank you. Please have a seat.

THE COURT: Thanks again, ladies and gentlemen, for braving the elements. I know some of you come apparently some distance and we're very grateful that you made the extra effort to get here on a crummy day in February on time so we can get started. As I said, we're going to do everything we can to make good use of your time and we will not keeping you waiting.

So then we're about to begin the trial.

I have a few very preliminary instructions for you to repeat. It's been some time since we spoke on Friday and one of your colleagues wasn't here at that time. Our schedule, generally, is either 9:30 or 10:00 in the morning till, approximately, 5:00. On most days, you will be on your way -- if not every day -- you'll be on your way home by 5:00. It's a rare exception that we may go any time beyond the 5:00 o'clock hour.

We'll take a midmorning break, a midafternoon break so everybody can relax and be comfortable. If, at any time, you're distracted or uncomfortable regardless of the schedule raise your hand, we'll attend to the problem. You are the critical and sole judges of the facts and you need to be able to undertake this responsibility without any distraction of any sort so don't be shy about that.

We'll take, of course, a lunch break at about 12:30 for about, we'll, an hour, hour and five minutes depending upon the weather. So that's our schedule. If there's any change, you'll know it as soon as I do, all right? I don't anticipate any changes, but if there are, you will know the schedule as soon as I do.

I notice a number of you, if not all of you, have entered the courtroom bearing legal pads presumably for note taking. I have just a few comments about note taking and by saying this I don't mean to discourage you in any sense of the word. Just be aware that when you take notes they are by definition incomplete.

We all know from our school days that some of us are better note takers than others. Some of us were borrowers, some of us were lenders. So if you take notes their for your use, not to be borrowed or lent at any time during the course of the proceedings. We have a record, a verbatim record, of every word that's said in the courtroom. So, if during the course of your deliberations, you need to refresh your recollection we'll resort to the trial record, of course. So if you take notes they're for your use only. Please bear that in mind.

If you take notes, at the end of the day, Ms. Mulqueen will give you an envelope, each of you an envelope. Put the notes in the envelope, seal it, sign over the flap, give it to Ms. Mulqueen and she will deposit those notes in the safe overnight and return them to you first thing the following working morning.

So, again, I just admonish you about note taking only because it bears having in mind that there are limitations to it and I don't mean do discourage it in any sense of the word.

So we begin, then, the trial of this case. You've heard very little about it either in the course of our questionnaire, which do you dutifully filled out, or briefly during our individual interviews. So there are certain things that I'll tell you now that will help you understand what is about to unfold.

Some of you are returning veterans to jury service, a number of you are not, so there are some similarities as to what you night expect from your TV viewing and so forth but this is not going to be what you see on TV by any stretch of the imagination.

Where to begin? I begin with the most serious point, the only point. You are here to administer justice according to the law and the evidence with complete fairness and impartiality without any bias, prejudice, or sympathy for or against the Government or the defendant, Mr. Naseer. You've just taken an oath to do that, a very serious oath.

In just a few minutes, when I finish these brief instructions, the attorneys will have an opportunity to make an opening statement. The attorneys, I should say the, Government's attorney and Mr. Naseer will have an opportunity to offer opening statements. What is said by the attorneys or Mr. Naseer is not evidence. It's critical that you understand that.

What is said is not evidence, it's sort of a preview of what each expects the evidence may or may not prove and they may alert you to certain issues that they think will be before you at the conclusion of the trial when you retire for your deliberations.

The case is based on an indictment, there's a word you've heard before. It's important that you understand what an indictment is and maybe even more important what it is not. It's an accusation in writing, nothing more. It's not evidence of a thing. It is entitled to no weight in your consideration of the evidence. All right?

Mr. Naseer has pled not guilty. The Government has the burden, then, of proving his guilt beyond a reasonable doubt with respect to each of the three charges. I'm not going to review the charges presumably you will hear something about that during the course of the opening statements.

Now, the purpose of the trial is simply to determine whether or not the Government meets this burden of proof. The defendant does not have to prove his innocence, quite the contrary. The defendant is presumed to be innocent of the accusations in the indictment and that presumption of innocence remains with him throughout the trial.

After the opening statements, again, which are not evidence, we will begin immediately with the introduction of the Government's evidence in support of the charges. When that phase of the case is completed, and the Government rests its case, the defendant may present evidence but, again, I emphasize he is not required to do so.

The burden is on the Government to prove every element of each offense beyond a reasonable doubt. The law never imposes on a defendant in a criminal case the burden of calling any witnesses or, for that matter, introducing any evidence at all. And once the evidentiary phase of the case is over, you'll then hear from the Government and from Mr. Naseer what we call summations or closing arguments.

And, again, what will be said during this phase of the case is not evidence, they will present to you the contentions of the parties, invite you to draw or perhaps not draw certain inferences and so forth.

But what they say is not evidence because the burden of proof remains at all times on the Government. The Government begins this phase with its closing argument then Mr. Naseer will be given an opportunity to give his closing arguments and then the Government will have the chance to give a brief rebuttal.

I will then instruct you on the law that governs this case and you will immediately retire for your deliberations.

You have a tremendously important task as jurors. If that is not apparent to you now, I assure you folks it will very quickly become so. You are here to determine the facts. Our constitution gives the defendant a right to have you as members of the community decide the facts and you alone are the judges of the facts. I have no authority; I have no power.

I will try to preside impartially, of course, and not to express any opinion concerning the facts. If I say anything at any time that gives you the impression that I have an opportunity, first of all, I have no such opinion. And, second of all, disregard whatever you believe to be my view. My view doesn't count, all right?

As sole judges of the facts, you must determine which of the witnesses you believe, what testimony you accept, and what weight or significance to attach to the testimony of a particular witness.

Now, a little tutorial and forgive me if you already know this but you are going to hear from time to time objections. Unlike television, you are not going to hear speeches, you may just hear the word "objection." You may hear a brief phrase like "leading" or "hearsay," or something of that sort. You won't to hear speeches. I am then called upon to apply the rules of evidence as I understand them as a matter of law and make a judgment as to whether the objection should be sustained, meaning, I agree with the party making the objection or overruled meaning simply I don't.

The mere fact that the question is objected does not give the answer, should I permit it, any special significance I am applying the rules of evidence, all right? I'm not making any judgment about the testimony of the witness, the credibility of the witness and so forth.

In a perfect, pristine, world, every time there was an objection that means there's a legal issue before me and the legal issues are my department. I excuse the jury and make my legal ruling. But for all the obvious practical reasons we don't do that. I'm called upon to make a ruling, I'll make my ruling but I'm not suggesting anything to you about the testimony of the witness, the significance of the question asked, or for that matter, the significance of any response that may follow, okay. Bear that in mind.

Some of these things we say because jurors ask us at times over the years when the trial is over and we chit-chat with the jury if they choose to, some of the jurors like to do that. They'll ask you questions, did you mean to suggest this or suggest that? I don't mean to suggest a thing. All right? So if you find yourself thinking in those terms, please, ladies and gentlemen disregard it.

Now, you're not to consider anything you may have read or heard about the case outside the courtroom either during trial after trial, whatever. All right. You've just taken an oath, a solemn oath, to decide this case based solely on the evidence.

So what does that mean? If the morning newspaper carries an account of this trial, turn your attention away from it. I ask you to be vigilant. I ask you to be responsible, all right? If you're listening to the morning news or evening news on your television sets, or on your computers, and something comes up that sounds like this case turn your attention away from it. You know one thing, it may be an account of the trial day. It may be accurate, it may be inaccurate. Chances are, in my experience, it's a little of both but it's not evidence. All this effort, all this time, all this expense goes into bringing this matter before you as judges of the facts, so you decide the case based only on the evidence. Don't place that in jeopardy. Please, ladies and gentlemen.

No statement, ruling, remark or comments I may make during the course of the trial, once again, is intended to indicate any of it as to how you should decide the case or influence you in any way.

Now, at times, I may ask questions of a witness. It's really more the exception than the rule as you'll soon see, okay? Again, if I ask a question, it has no special significance because the judge asks the question. The judge may not have heard the answer. The answer may have included a term that we hadn't heard before and I may ask the witness to explain the term. The answer may be on its face incomplete or ambiguous. Whatever the case may be, I am not sending signals to you, ladies and gentlemen, if I put a question to the witness. Please once again, do bear that in mind.

Finally, there are a few rules. You've heard some of these already, at least most of you have, that I'm required to impose on you and everybody else during the course of the trial.

First, do not discuss the case either among yourselves or with anyone else. All right? As I told most of you Friday, "among yourselves," may sound a little counterintuitive and strange because, after all, that's what you're going to do. But you will discuss this case as a deliberating jury. You won't discuss this case individually until you've heard all of the evidence; you heard the summations of the parties; you've heard my instructions. And then, when all 12 deliberating jurors and no one else are together in the jury room behind a closed door. At no other time is there to be any discussion about the case.

Please ladies and gentlemen of the jury, be vigilant and keep that carefully in mind. It takes some restraint because you're sitting here all day. You're listening to things. It's perfectly human reaction to want to chit chat about that particularly to somebody who is sitting next to you or taking the bus home with you. Whatever the case may be it is critical that you not discuss this case until the appropriate time.

Do not permit any other person to discuss the case in your presence. And if anyone does, or attempts to do so, you should bring that to the attention to the Court but not to the attention of your colleagues on the jury. Ms. Mulqueen, bring it to her attention and she will in turn bring it to mine, okay. Very, very important.

And finally, as I think I've told you the other day, once we've begun the trial to avoid any misunderstanding whatsoever, once we're underway there is to be no discussion of any kind with any of the parties, witnesses, and so forth. We do that for all the obvious reasons. We don't want any misunderstanding so don't be insulted when the elevator doors open and there's an attorney or party standing there and you get ignored. Whoever it is following the instructions that I impose on them. So please, ladies and gentlemen, don't take offense.

We have six alternate jurors. Ladies and gentlemen, please pay very close attention. If one of our jurors is called away on an unforeseen emergency or extended illness, you'll be asked to step in and, of course, like any other juror asked to deliberate at the conclusion of the trial.

Some of these instructions are so critical. The other one that I repeat is: No independent investigations. We're all curious. We've interrupted your lives, we imposed ourselves on you, you've assumed perhaps the most solemn and serious obligation to citizenship. Don't place that all in jeopardy by getting online and running names or anything else in the computer. It will undermine what we're doing here and will be a very serious breach of your oath as jurors so withstand the temptation.

Forgive my tone if I appear to be a little too schoolmarmy but it is that important. And these instructions are such that many of them I'll repeat every time we separate that's how serious I take it all.

Thank you for your on-time arrival. We turn to the United States Attorney for her opening statement.

MS. COHEN: Thank you, your Honor.

In 2008, the terrorist group, al-Qaeda, had a new plan. A plan that they hoped would repeat the devastation of 9/11. They recruited operatives based in the United States and Europe to conduct their terrorist attacks. People who had passports or student visas and that allowed them to move freely within the U.S. and Europe.

Al-Qaeda had been secretly training these western operatives at their compounds in the tribal areas of Pakistan. During those training sessions, they taught them how to fire weapons, how to build bombs, how to cause the most casualties, and how not to get caught.

And, in late 2008, al-Qaeda was ready to send those operatives back to their homelands to do just that -- to bomb their home cities in attacks that would kill hundreds of innocent people and cause millions of dollars in economic damage. Al-Qaeda and its operatives conspired to bomb three cities: New York City, Manchester in England, and Copenhagen in Denmark.

That man, the defendant, Abid Naseer, he was one of those operatives. He was the leader of the Manchester cell. The defendant, like the other western operatives, received training in Pakistan. When he returned to Manchester from receiving that training, he and his co-conspirators began plotting their attack. During that time, the defendant kept in touch with al-Qaeda through an operative who he called

Sohaib. The defendant sent coded e-mail messages to Shokaib making it look like they were from a woman so that law enforcement would not suspect the true purpose of those e-mails.

And while he was in contact with al-Qaeda, the defendant and his co-conspirators were plotting the attack. They chose their target carefully, a shopping center, a tourist area, a place that people would be out and about shopping, dining, enjoying themselves. And in early April 2009, the defendant told al-Qaeda that they were ready. He sent an e-mail to Shokaib telling him when the attack was to take place. It was set for Easter time, the casualties would increase with tourists and vacationers.

What these men didn't know was that law enforcement was on to them, they were watching them. Fortunately, just days before the planned attack, the defendant and his co-conspirators were arrested.

As for the other two parts of the conspiracy, three al-Qaeda members living in the United States were plotting to bomb the New York City subway. As for the Copenhagen cell those operatives were plotting to bomb a newspaper that published insulting cartoon images of the Prophet Mohamed. Those plans were also stopped by law enforcement before the operatives could carry out the attacks.

During the course of this trial, you will see the similarities between those three plots. You will see they were all connected that they were all part of one al-Qaeda conspiracy.

Let's look closely at how the defendant led the Manchester cell. The defendant and his co-conspirators were all born in Pakistan in the northwest region where al-Qaeda set up home base after 9/11. In 2006 and 2007, they were dispatched by al-Qaeda to become westerners. Al-Qaeda sent the defendant and his co-conspirators to England so that they could assimilate and become familiar with its cities. The defendant and his co-conspirators enrolled in university so that they could have student visas that they would need to emigrate to England.

Within a week of the defendant's arrival in England, he dropped out of that university, but, of course, because he had to be enrolled in some kind of school in order to keep the student visa. He enrolled in a college in Manchester for an English language skills class. A language that you will learn he already spoke perfectly.

And the defendant's co-conspirators followed the same pattern. They all dropped out of the university and enrolled in that same college in Manchester. And while the defendant was claiming to be studying, he went back to Pakistan in September of 2008 for two months to receive further training from al-Qaeda. And right before he went back to Manchester, he set up a special e-mail account that he used only to contact al-Qaeda.

The account, the e-mail account, was registered in a fake woman's name. The name was Huma, the address was humaonion@yahoo. He later set up a special e-mail account to contact al-Qaeda also in a fake woman's name, Parveen. That address was chippyparveen@yahoo. Why women's names? Because they were less likely to attract attention. Less likely to be monitored by law enforcement.

You are going to hear a lot about those two e-mails accounts because those were the defendant's operational e-mail accounts. He had other e-mail accounts that he used for his personal business to e-mail but he never e-mailed anyone else other than al-Qaeda from those two operational accounts.

Now, I mentioned that the defendant was in contact with al-Qaeda through a leader called Shokaib. That al-Qaeda leader was who the defendant was instructed to update on his attack plans when he was in Pakistan.

Now, Shokaib had two operational accounts, two operational e-mail accounts, both in women's names. One of those accounts in the woman's named Sana was used to contact the defendant and a member of the New York City subway plot. Those were the only two people that that al-Qaeda contact ever sent e-mails from that account.

As for Shokaib's other operational account, that was used to contact a member of the Copenhagen plot. When you see these e-mails, you will know that they are al-Qaeda's operational accounts because everything in them related to these bomb plots.

Now, because al-Qaeda did not want to get caught, they trained its operatives in its trade craft, techniques to avoid detection.

The first thing al-Qaeda insisted on was that no one in al-Qaeda was to use his real name, they were to use an alias. Not even during training in Pakistan were they to use their real name. And you'll see that the defendant followed that rule -- he never used his real name with Shokaib, he used an alias.

And when al-Qaeda and its operatives sent e-mails, they didn't read like regular e-mails. Al-Qaeda taught its operatives to use code. You will learn the word "marriage" or "wedding" was standard al-Qaeda code for the attack. And that is the code that the defendant used in his e-mails to Shokaib.

And al-Qaeda also taught their operatives to use an operational e-mail account that was solely used to contact al-Qaeda just like the defendant did. And you will learn that these al-Qaeda terrorists typically did not send e-mails from computers that could be traced to them. Instead, they would put their messages often on thumb drives and go to a public place like an internet café where they would send the e-mails from that, of course, was to avoid detection.

And the defendant followed that rule, too. You will see that he never sent an e-mail to al-Qaeda from his home computer. He never logged on to his home -- to his operational e-mail accounts from his home computer. Instead, he went to an Internet café where, conveniently, one of his co-conspirators worked and that's where he sent his e-mails to Shokaib.

Now, the defendant used his home computer for everything else. He went on the Internet from it. He sent e-mails from it. The defendant was careful, he knew that his computer would be searched and he wanted nothing on there related to al-Qaeda.

Now, during this time once the training and the instructions were provided by al-Qaeda. They delegated to the operatives the decision on where and when the attack would take place and what bomb to use. You see, that was the whole point of these western operatives. They knew the targets best because they were living in the foreign cities; they knew how to blend in. They could conduct reconnaissance to determine the best targets. And they, unlike the al-Qaeda leaders living in Pakistan, were able to move freely.

And you will see that from the defendant's actions. You will see that he and his co-conspirators went to the different target sites to determine where the attack would take place. Mainly shopping centers. They were the ones determining the attack location but they kept al-Qaeda informed. You will see that the defendant sent e-mails to Shokaib telling him about when his wedding, the attack, would take place.

Now, the defendant also kept Shokaib updated on the bomb that he was considering building. You see, al-Qaeda trained their operatives to build several different types of bombs based on materials that could easily be found in grocery stores or beauty supply stores. But they left it up to the operatives to choose which one to build based on what materials they could most easily find. And the defendant kept Shokaib updated on which bomb he was considering. Of course, he talked about it in code. You will see that when the defendant spoke about bombs with Shokaib, he used women's names to describe them.

Now, with all this talk of marriage and women, the defendant's e-mails make it look like he had an active love life in January of 2009. He told Shokaib that he was getting ready to choose which woman to marry, but what he meant was which bomb. And he told Shokaib that after the engagement was finalized there would be a huge party, a huge attack.

In April 2009, the defendant and the other members of the Manchester cell made their decision. On April 1st, they had a secret meeting where they finalized the attack plans. Two days later, on April 3rd, the defendant told al-Qaeda that they were ready. That afternoon, he carefully drafted an e-mail to Shokaib. And in that e-mail message, he told Shokaib that he was going to marry a woman named Nadia, the type of bomb that he had decided on.

He told Shokaib the scheduled date for the attack was to take place around the Easter Holiday and he called it the Nikah, the Islamic religious wedding ceremony. He told Shokaib to be ready between those dates, meaning, al-Qaeda should be ready and that he wished Shokaib could be there to enjoy the party, the explosion.

But, of course, the defendant couldn't send that message from his home computer. He put it on the thumb drive and he went to the Internet café where he met one of his co-conspirators. He sat down at one of the one of the Internet café computers, put the thumb drive in that computer, which you will see here in evidence, and he sent the e-mail message to Shokaib. And while he was sending that e-mail message to inform al-Qaeda of the attack, he listened to terrorists chants to get himself charged up and ready. Terrorist chants about waging holy war and being a martyr and looking forward to death in large numbers.

And right after the defendant sent that last e-mail, he immediately began trying to cover up his tracks. He deleted all of the e-mails to and from Shokaib. He tried to wipe away all the evidence. The following day, the defendant's co-conspirators made one last trip to the place that they had decided on for the attack but the attack never occurred because five days later, on April 8, 2009, the defendant and his co-conspirators were arrested.

Now, for these actions, the defendant is charged with a conspiracy to provide material support to a foreign terrorist organization, in this case, al-Qaeda. And for providing material support to al-Qaeda and for conspiracy to use a destructive device.

Now, how will the Government prove our case to you? We will prove to through physical evidence, through documentary evidence, and through witness testimony. The very first witness to take that stand will be one of the defendant's co-conspirators who pled guilty to plotting an attack on the New York City subway on behalf of al-Qaeda. His name is Najibullah Zazi. Zazi will take the stand and he will tell you how he kept al-Qaeda informed of his attack plans on the very same e-mail address that the defendant used to contact al-Qaeda.

Zazi will tell you how he met Shokaib in Pakistan under a different alias. The defendant and Zazi were both getting directions from the same al-Qaeda member at the same e-mail address, the very same operational account. And Zazi will tell you besides the fact that Shokaib only e-mailed the defendant, Abid Naseer, and Najibullah Zazi from that e-mail account. Those were the only two he ever sent e-mails to.

And Zazi will tell you that he, too, kept al-Qaeda informed of his attack and which bomb he was going to use. He, too, called the attack a wedding or his marriage. Zazi will give you a window into how al-Qaeda operates, how the defendant was similarly trained. He will tell you about how he was trained. He will tell you about those training sessions. How he was taught to fire weapons including rocket propelled grenades and how to build bombs.

And you will get to see the notes that he took during his bomb making training. And you are going to see those e-mails I mentioned the ones that Zazi and the defendant both received from Shokaib and the ones that he sent to him. And you will see the e-mails that al-Qaeda also sent to the Copenhagen plotters.

You will hear from a computer forensic witness who examined the computers in the Internet café that the defendant used as well as the other computers and he will show you how we know it was the defendant who was logging into those operational e-mail accounts, how he found traces of him logging in and sending e-mails to Shokaib.

You are going to hear from surveillance officers, members of the British security service also known as MI5 and members of the Greater Manchester Police.

They will tell you how they began watching the defendant and his co-conspirators from mid-March 2009 until their arrest. They will tell you how they saw the defendant and his co-conspirators visiting the attack sites, having meetings with one another, and how they saw the defendant going into the Internet café and logging on to those computers.

One of those surveillance officers was there the day the defendant sent that final e-mail to al-Qaeda. And surveillance officers will also tell you how they saw the defendant and his co-conspirators going in to beauty supply stores and cosmetic stores, places where al-Qaeda trained them that they could get materials to use to make a bomb.

You will also get to see photographs, photographs of the defendant and his co-conspirators that they took of the target sites and you will be able to tell that these photographs are not tourist photographs but reconnaissance photographs.

They show the defendant's co-conspirators in front of the same chain stores over and over again on multiple days. They show the entrances in and the exits of the stores and the stores in the background, the targets, you will see that they're mainly made of glass which would increase the devastation.

Most of those photos were taken in August of 2008 just before the defendant left to go back to Pakistan for further training and they were accessed again at that Internet café just weeks before the final attack. The same Internet café that the defendant sent his e-mails to al-Qaeda.

You are going to hear from a bomb expert who will tell you how bombs can be made with homemade ingredients and how al-Qaeda provides training on how to make those household bombs. And he will tell you how Zazi's notes, the bomb making notes are exactly on point. That if you follow those directing your attention, you would cause a huge explosion.

You are going to hear from an al-Qaeda expert who will tell you how al-Qaeda is structured, about its leaders, how it conducts its operations, and the manner in which it communicates.

Now, I have mentioned that the defendant and his co-conspirators were members of al-Qaeda, communicated with al-Qaeda, and took orders from them. But what I haven't mentioned yet is that the defendant's plot, his terrorist plot, went all the way to the top of al-Qaeda to none other than Osama Bin-Laden. You will learn that from a letter. A letter that you will see here that has never been shown in public before. It was written by al-Qaeda's head of western operations. Its purpose: To update its leader, Osama Bin-Laden, on those western operations including the defendant's Manchester cell, the New York City cell, and the

Copenhagen cell and to explain its vision for successful operations.

You will see the chilling reminder in that letter to Osama Bin-Laden that al-Qaeda's goal is to attack the infidels in their home territory. At the end of this trial, you will see that the defendant was a key member of al-Qaeda's conspiracy, its conspiracy to send western operatives to conduct its terrorist attacks. That he planned a scheme to take innocent lives. That he was days away from placing a bomb in a location that would cause mass casualties.

When you see all of the evidence and listen to the testimony, we are confident that you will return a verdict of guilty on all counts.

Thank you.

THE COURT: Thank you, Ms. Cohen.

Mr. Naseer.

MR. NASEER: Good morning, ladies and gentlemen of the jury. Respected members of the jury.

My name is Abid Naseer. I'm the defendant in this case who is representing himself. In the three counts that the defendant is charged with the evidence at this trial will prove that he is innocent of them. Evidence will be produced about the defendant's use of Internet to which he accessed Muslim dating websites and various chatrooms. Defendant used a dating website for sole purpose of finding a wife in the

United Kingdom.

He used an account on a website called qiran.com which is based in the United Kingdom. On this website, the defendant's user name was "Dilaways." This account was created, and its membership paid, in around December 2008 by the defendant's friend who resides in Newcastle, United Kingdom.

The defendant logged on to this website from December 2008, approximately, until his arrest on April 8, 2009. Defendant met many females on this website. Defendant met many females on this specific chat and other chatrooms of Yahoo, MSN, and U.K. Chatterbox. On qiran.com, he met a female named Wafa Khan whose testimony will be played before the jury. The defendant and the lady mentioned met on qiran.com in January 2009 and exchanged details of their contacts. They both met in person on February the 2nd, 2009, and their families met to discuss the defendant and Ms. Wafa Khan's marriage on March 14, 2009.

This meeting between the two families took place in London at Ms. Wafa Khan's address. From defendant's side, his cousin, his cousin's wife, and their two children were present. At Wafa Khan's address, defendant met along with his family members with Ms. Khan's two sisters and her mother.

In terms of defendant's affiliation with any terrorist organization, the evidence at trial will not show that the defendant is an al-Qaeda member. Similarly, he did not send any coded messages or e-mails to al-Qaeda in Pakistan. He also did not provide any help assistance or personnel to this group at any time. At trial, the evidence will display that the defendant has numerous e-mail addresses, some of which registered to his name and some are created with female names. This is usual and normal practice as multiple e-mail addresses, specifically with female names, allows him to chat online with other females who would not chat to a male if they know his identity to be a male. It also allows him to play pranks or make fun of his friends by pretending to be a female.

Additionally, the evidence will reveal that defendant was studying IT diploma prior to his arrest on April 8, 2009. He has background in English literature and computer science. He has to an extent good knowledge of computer functions.

At trial, evidence will not show that the defendant reviewed, downloaded or shared any Jihadi propaganda videos or material. He has no extremist or Jihadi views.

The evidence at trial will show that he traveled to Pakistan in 2008 to see his mother who had a bypass.

With regards to e-mails sent or received from anybody by the defendant, all of them including any e-mails saved, deleted, printed, are all of innocent nature and has no malicious or ulterior motive.

Finally, at trial, the facts will clearly reveal that the defendant has not received any keep of training from al-Qaeda.

Thank you.

THE COURT: All right. Thank you, sir. First witness.

MS. AHMAD: Your Honor, the Government calls Najibullah Zazi.

THE COURT: I take it he is somewhere in the vicinity of the courtroom.

MS. AHMAD: He is, your Honor, Mr. Nanry has gone to get him.

MR. NEUMAN: Your Honor.

THE COURT: Yes, sir.

MR. NEUMAN: Is there going to be a delay? There may be something we can discuss if there is a delay. Otherwise, it can wait.

THE COURT: Have to do with the board?

MR. NASEER: At side bar. Only if there's going to be a delay.

THE COURT: When do you expect him here?

MR. NASEER: He's in the building, your Honor, I think he's downstairs, Mr. Nanry went to get him.

THE COURT: Why don't you come to the side bar.

We'll make good use the time.

(Continued on the next page.)

(Side bar conference held on the record in the presence of the Court and counsel, out of the hearing of the jury.)

MS. AHMAD: Your Honor, because the witness is in WITSEC, in the marshals's custody.

THE COURT: I understand. This shouldn't come as a surprise.

MS. AHMAD: They knew he was first.

THE COURT: What's up?

MR. NASEER: Sir, I will have an objection to anything that is mentioned about 9/11. This case is not about 9/11, and if Mr. Zazi is to explain and describe his training while in Pakistan, I will object to that as well because it has no relevance. It does not describe defendant's conduct.

And also, if he describes the person of the e-mail he was in contact with in Pakistan, I'll object to the point where he says it is the same person that was in contact but he was using different aliases.

THE COURT: All right. It's hard to make a ruling out of context having just heard the opening statements. It strikes me that there may well be some relevance to all this. I am going to listen just like you are and when you object I will make a ruling.

MR. NEUMAN: Okay.

THE COURT: Fair enough.

MR. NEUMAN: That's enough for right now.

(Side bar discussion concludes.)

(Continued on the next page.)

(In open court.)

COURTROOM DEPUTY: Call your witness.

MS. AHMAD: The Government calls Najibullah Zazi.

COURTROOM DEPUTY: Sir remain standing and raise your right hand.

NAJIBULLAH ZAZI, called by the Government, having been first duly sworn, was examined and testified as follows:

THE WITNESS: Yes.

COURTROOM DEPUTY: Thank you. Please have a seat.

THE WITNESS: Thank you.

COURTROOM DEPUTY: State and spell your name for record. Sir pull that chair in a little closer. That's fine. And that's fresh water for you.

THE WITNESS: Thank you. My name is Najibullah Zazi. The spelling is N-a-j-i-b-u-l-l-a-h. Z-a-z-i.

MS. AHMAD: May I inquire.

THE COURT: Please.

DIRECT EXAMINATION

BY MS. AHMAD:

Q Good morning, Mr. Zazi.

A Good morning, Zainab.

Q Are you currently in jail?

A Yes.
Q How long have you been in jail?
A Close to five and a half years.
Q Are you testifying here today pursuant a cooperation agreement with the Government?
A Yes, I am.
Q Have you been convicted of any crimes?
A Yes, I have.
Q Were you convicted after trial or did you plead guilty?
A I plead guilty.
Q And what crimes did you plead guilty to?
A I plead guilty to three charges. One, conspiracy to use weapons of mass destruction; conspiracy to commit murder abroad; and providing material support to a terrorist organization.
Q What is that terrorist organization?
A This is al-Qaeda.
Q And are you, in fact, guilty of these crimes?
A Yes, I am.
Q What did you to do become guilty of these crimes?
A I have participated in these crimes. I have planned to commit some of the crimes.
Q Did you plan to commit an attack on behalf of al-Qaeda?
A Yes, I have.
Q Can you describe generally what that attack plan was?

A I was told to be a suicide bomber to commit -- use weapons to blow up subway.
Q Subways you said?
A Yes.
Q Where?
A In New York City.
Q And when did you commit these crimes?
A I commit these crimes between 2008 and 2009.
Q And did you commit them by your yourself or with others?
A With others.
Q Who else did you commit these crimes with?
A I have committed my crimes with two of my friends in U.S. one is an Adis Medunjanin and the Zarein Ahmedzay.
Q Was anybody outside the United States involved in the plan?
A Yes, there were.
MR. NASEER: Objection.
THE COURT: Overruled.
Q What, if any, group did those people outside of the United States belong to?
A Those people were belong to al-Qaeda. People from overseas.
Q Mr. Zazi, I would like to show you three exhibits.
MS. AHMAD: Show them just to the witness at this point.

COURTROOM DEPUTY: Okay. Just bear with me one second before you put them up.

(The above-referred to exhibit was published the witness.)

Q Mr. Zazi, I'm showing you what's marked for identification as Government Exhibit 2.

Who is this?

A This is myself.

Q I'm showing you what's been market as Government Exhibit 3.

Who is this?

A It's any friend Zarein Ahmedzay.

Q And I'm showing you what has been marked as Government Exhibit 4.

Who is this?

A My other friend Adis Medunjanin.

Q Are these fair and accurate representations of the people depicted therein?

A Yes, they are.

MS. AHMAD: Your Honor, the Government moves to admits Exhibits 2, 3, and 4 into evidence.

THE COURT: Any objection.

MR. NASEER: No, sir.

THE COURT: They are received.

(Government's Exhibits 2, 3, and 4 were received in evidence as of this date.)

MS. AHMAD: Thank you. We seek to publish tomorrow to the jury.

(The above-referred to exhibit was published to the jury.)

EXAMINATION BY

MS. AHMAD:

(Continuing.)

Q Now, Mr. Zazi where are you from?
A I am from Afghanistan.
Q Where were you born?
A I was born in Pakistan.
Q And where did you grow up?
A I grew up in Pakistan.
Q Where in Pakistan?
A I was born in a village called Waba and then later I was moved from my family moved to Peshawar the city.
Q Where is Peshawar City located within Pakistan?
A The city is located in Northwestern Frontier. Also called the province, Pakhtunkhwa Province.
Q And what is your ethnic identity?
A First of all, I'm a Muslim and my ethnicity is Pashtun.
Q Is Pashtun also sometimes referred to as Pakhtun?
A Yes.
Q Can you explain to the jury what Pashtun means?

A Pashtun is a linguistic identity. Whoever speaks that language or from that area is called Pashtun.
Q What is the language that people who identify as Pashtun speak?
A It's called Pashto.
Q And what general geographic areas is Pashto spoken of?
A It's the whole province of one of the provinces in Pakistan called the Pakhtunkhwa Province and then half of the Afghanistan speaks Pashto.
Q Did there come a time when you moved to the United States?
A Yes.
Q When was that?
A It was 1999 that I moved to the United States.
Q How old were you?
A At that time, I was 15 years old.
Q Did you move by your yourself or with your family?
A No, I was with my family.
Q Did you eventually obtain a green card?
A Yes, I did.
Q Did you ever become a citizen?
A No, I did not.
Q Where in the United States did you live?
A I lived in Flushing, Queens, New York.
Q And in New York did you attend school?

A I did.
Q What school?
A It was Flushing High School.
Q Did you graduate?
A No, I did not.

(Continued on the next page.)

BY MS. AHMAD:

Q Did you graduate?

A No, I did not.

Q How far did you go in Flushing High School?

A Up to the 11th grade.

Q What year was it when you left high school?

A I think it was around 2004.

Q And did you work while you lived in New York?

A I did.

Q What jobs did you have?

A I had few jobs. I started a full-time grocery worker. And then I worked in a fast food restaurant and then I moved to work as a coffee vendor in Manhattan in two different locations.

Q When you worked as a coffee vendor, did you work in storefront locations or outdoor locations?

A It was outdoor locations.

Q So you worked on coffee carts?

A Yes.

Q Where was that coffee cart located?

A My first one was located in Wall Street, and my second was Stone and Broadway.

Q Are those both in downtown Manhattan?

A They are.

Q Are you married?

A Yes, I am.
Q Do you have any kids?
A No, I do not.
Q When did you get married?
A I got married in 2006.
Q Where does your wife live?
A Currently in Peshawar, Pakistan.
Q Now, I'd like to talk to you about Zarein Ahmedzay, one of the friends that you mentioned earlier. When did you first meet Zarein Ahmedzay?
A I believe it was around 2000 that I met him, first time.
Q Where is his family from?
A His family is from Afghanistan.
Q What is his ethnicity?
A He's also Pashtun.
Q Where did he live when you met him?
A He lived at that time that I met was in Flushing, Queens.
Q Did he attend high school?
A He did.
Q Which high school?
A Same high school, Flushing High School.
Q Did he graduate?
A Yes.
Q Did he go to college?
A Yes.

Q Do you know if Zarein Ahmedzay is married?
A Yes.
Q Is he?
A Yes.
Q Does he have any kids?
A He does.
Q Where do his wife and children live?
A They are in Afghanistan.
Q Did Zarein have a job when he lived in Flushing, New York?
A He did.
Q What was that?
A He was a full-time taxi cab driver.
Q Now, speaking next about your friend, Adis Medunjanin. When did you initially meet him?
A I will say, around the tame same year, first time that that I met.
Q And where did you meet him?
A In Flushing, Queens.
Q When is Adis' ethnic background?
A He's Bosnian.
Q Did he attend school in New York?
A Yes, he did.
Q What school?
A Flushing High School.

Q That is the same as you and Zarein?
A Yes.
Q Did Adis attend college?
A He did.
Q When Adis lived in New York, did he have a job?
A Yes.
Q What did he do?
A He had -- was working as a security guard in Manhattan.
Q Was he married?
A No, he's not.
Q What religion are you, Mr. Zazi?
A My religion is Islam and I'm Muslim.
Q And what religion are Zarein and Adis?
A Islam.
Q Did you attend any particular mosque in New York?
A I did.
Q Which mosque?
A My local mosque was Abu Bakr Mosque that I usually attend.
Q Did Zarein and Adis have the same mosque or a different one?
A Mostly the same mosque.
Q Now, after you moved to the United States from Pakistan, did you ever travel back to Pakistan?
A I did.

Q When was the first time you returned to Pakistan from New York?
A It was 2004 that I traveled back to Pakistan the first time.
Q What was the purpose of that trip?
A My grandfather's health was in bad shape. I had to visit him to see if he's okay.
Q When was the second time you returned?
A I returned the second time it was 2006.
Q And what was the purpose of that trip?
A I got married that year, to my wife.
Q And when did you next go to Pakistan?
A The next year, 2007.
Q And what was the purpose of that trip?
A I just went to see my wife as a visit.
Q Where did you stay in Pakistan on each of these three trips?
A I stayed in Peshawar City with my uncle, Lal Muhammad.
Q Your uncle's name is Lal Muhammad?
A Yes.
Q What is the final trip you took to Pakistan?
A It was in 2008.
Q Did you travel alone or with others?
A I traveled with some others.
Q Who?

A Two of my friends. Adis Medunjanin and Zarein Ahmedzay.
Q These are the same individuals you previously discussed?
A Yes.
Q What was the purpose of your, Adis' and Zarein's trip to Pakistan in 2008?
A My purpose or our purpose this time was to go to Afghanistan to do jihad in Afghanistan and join Taliban.
Q What do you mean by jihad?
A Jihad is -- in Arabic translation in English would be a fight, fight in the cause of God, in the cause of your country, in the cause of your people.
Q And when you say "jihad" in this context, do you mean to fight violently with weapons?
A Yes.
Q You said you were going to join the Taliban in Afghanistan?
A It was our intention, yes.
Q And what is the Taliban?
A The Taliban are -- it used to be the Government of Afghanistan in nineties.

MR. NASEER: Objection.

THE COURT: Overruled.

A Until 2001, when they were overthrown by the U. S. Government.
BY MS. AHMAD:

Q What activities was the Taliban engaged in in 2008, when you planned to join them?

MR. NASEER: Objection.

THE COURT: I'm sorry. Who's voicing the objection?

MR. NASEER: (Raises hand.)

THE COURT: May I have the question back, please.

MS. AHMAD: Yes, your Honor.

BY MS. AHMAD:

Q What activities was the Taliban engaged in in 2008 when you planned to go to join them?

THE COURT: Overruled.

Go ahead.

A They had opened an insurgency against the U. S., I mean, fighting against the U. S. At that time.

BY MS. AHMAD:

Q And where geographically were they fighting against the U.S.?

A It was in Afghanistan.

Q And what is your understanding of why the U. S. Was -- forces were present at that time in Afghanistan?

A At that time, I thought to -- or we were thinking that they are unjustly now occupying Afghanistan. I knew that they were there because of the 9-11.

MR. NASEER: Objection.

THE COURT: Overruled.

Go ahead.
A That was long, you know, it was a long time before, you know, in 2008, much time passed. So we thought it was unjustly that they were Afghanistan.
BY MS. AHMAD:
Q Was it your understanding that the U.S. forces entered Afghanistan after the attacks of 9-11?
A Yes.
Q Now, do you have an understanding today as to which group was responsible for the attacks of 9-11?
A Yes, to my understanding, it is al-Qaeda that was responsible for the 9-114.
Q And by 9-11, do you mean September 11, 2001?
A Yes.
Q What was the location of attack that day by al-Qaeda?
A It was the U. S. There was World Trade Center in New York and also Washington, DC.
Q Now, at the time that 9-11 occurred, where were you living?
A I was living in Flushing, Queens.
Q About how old were you?
A Around 16 years old.
Q What was your reaction, if any, to those attacks at that time?
A At that time, my reaction was that the 9-11 was a huge

event in the world history, tragic, and a very sorrowful tragedy that happened in U.S. while I was in New York.
Q And what was your reaction to the U. S. Entering Afghanistan immediately after 9-11 event?
A I really didn't have any like negative or positive reaction to it because I was young, first of all. Second, that I thought if 9-11 was, you know, by the Taliban or al-Qaeda, I think they deserve to be attacked.
Q And did there come a time when your view on this point changed that those groups deserved to be attacked by the United States?
A Yes.
Q And around when did your views begin to change?
A I would say 2007.
Q And what caused your views to change, generally?
A There was a couple of things that happened at those time. One was that I got more friendly with my friend, Adis Medunjanin, which would start bringing me towards my religion. And at the same time, I was getting a lot of videos from internet and lectures from internet, scholars that start changing my views.
Q When you say you were listening to lectures from scholars on the internet, who were those scholars?
A I would introduced to a scholar called Anwar al-Awlaki and Sheikh Faisal.

Q Did you have an understanding of what group Anwar al-Awlaki belonged to?
A Now I do. He belongs to AQAP. It means al-Qaeda in the Arabic Peninsula.
Q How frequently did you listen to the lectures of Anwar al-Awlaki?
MR. NASEER: Objection.
THE COURT: Overruled.
A I would say on daily basis, every day for hours.
BY MS. AHMAD:
Q How did you access those lectures?
A In the beginning, I was given CDs by my friends, and once I -- to get to know Anwar al-Awlaki and Sheikh Faisal. I bought an iPod and in it, I just put all the lectures and stuff in it.
Q You bought an iPod, you said?
A Yes.
THE COURT: IPod or iPad?
THE WITNESS: IPod.
THE COURT: IPod. Okay.
BY MS. AHMAD:
Q Who was Sheikh Faisal?
A Sheikh Faisal, at that time, I knew he was Jamaican born but living in England.
Q Now, when you listened to these lectures of Sheikh Faisal

and Anwar al-Awlaki, did you listen to them alone or with others?
A Majority of the time, I listen alone, but then with others sometimes.
Q Can you describe for us the effect that these lectures had on your thinking at that time?
A Yeah. Actually, you know, I start when I got friendly with Adis. He was pulling me toward, you know, being more religious person.
Q Uh-him (affirmative response).
A But when I start listening to these lectures, it changes my mentality from just being a religious into a more militant, more fighting and Mujahid kind of mentality that I should be among those who are fighting the U. S. And U. S. Allies.
Q What you mean by Mujahid?
A A Mujahid is one who's fighting in the cause of God, in the cause of his country and the cause of his people.
Q A person who is doing jihad?
A Yes.
Q I think you mentioned besides the lectures you began listening to that you also started watching videos online, is that right?
A Yes.
Q And who produced the videos online that you began to watch?

A Those videos a lot of them were coming from Iraq and the groups from Iraq, al-Qaeda from Iraq and other groups from Iraq and Afghanistan, Taliban and al-Qaeda from Waziristan. The videos were mostly from them.
Q What did those videos that you were watching generally depict?
A Depict fighting, fighting, car bombs, IEDs, firefight, stuff like that.
Q Fighting against whom?
A Mostly, it was all U. S. And NATO allies.
Q Now, the al-Qaeda video that you mentioned, did they contain comments by al-Qaeda leaders?
A There were, yes.
Q Did you become familiar with the al-Qaeda leaders through these videos?
A Yes, to some degree.
Q I'd like to show you what's been marked for identification as Government Exhibit 22.
THE CLERK: Just one second. Okay.
BY MS. AHMAD:
Q Do you recognize the individual in the photograph?
A I don't, the screen is off. The screen is off.
THE COURT: Maybe it's the screen.
THE CLERK: Is your screen on now, sir?
THE WITNESS: Yes. Yes. Thank you.

A Yes, I do recognize him.
BY MS. AHMAD:
Q Who is this?
A This is Sheikh Osama bin Laden, the leader of al-Qaeda.
Q I would like to show you also what's been marked as Government Exhibit 1011. Do you recognize that?
A Yes, I do.
Q What is this?
A This was -- this is the flag, this is the logo on their flag, and sometime on their videos.
Q What do you mean by "their"?
A Al-Qaeda's flag in Afghanistan.
Q Do you recognize these images from the videos, the al-Qaeda-produced videos that you watched?
A Yes, I do.
MS. AHMAD: Your Honor, the Government moves to admit Government Exhibit 22 and 1011.
THE COURT: Any objection?
MR. NASEER: Objection.
THE COURT: I'm sorry?
MR. NASEER: Yes, sir.
THE COURT: To both?
MR. NASEER: Yes, sir.
THE COURT: The objections are overruled, 22 in evidence, 1011 in evidence.

MS. AHMAD: Thank you, your Honor.

BY MS. AHMAD:

Q Now, you mentioned Sheikh Osama bin Laden. What role did you know Osama bin Laden to play in al-Qaeda at the time you saw these videos in 2008?

A To my understanding, he was the leader of al-Qaeda, the top leader.

Q Now, the videos that you watched, did you -- that were produced by al-Qaeda and the Taliban, did they have an effect on your thinking at this time?

A Yes, it was.

Q And what effect, if any, what effect did they have?

A The effect of that was that they're -- these videos was a -- some kind of -- I'm not going to say a propaganda. Everybody does it. But it was for us, they were like calling us, that we need people like young guys to come and join us and fight with us. So they were -- they were kind of pulling us towards their -- toward their fighting.

Q When you say "us," who are you talking about?

A I would, here I would talk about myself, but also my friends.

Q And your friends Adis and Zarein or other friends?

A No, Adis and Zarein.

Q Did you discuss your reactions to those videos and your thoughts with Zarein and Adis?

A Yes, I did.
Q Where did you -- where did you three have these discussions generally?
A Most of the time, in the same neighborhood we used to live. In the -- a car. In the mosque. Outside of the mosque, in parks or walking around in, you know, in the streets.
Q Was there a particular reason that you chose to talk about these topics while outdoors or in a car as opposed to indoor locations?
A Yes. You know, we would always believe there would be microphones every where. The Government would, you know, listen to our speech, our words, our talks if we talked in an area where there's closed rooms or people around. So we always choose the place where we could be alone.
Q And did you take any particular care when you were discussing these topics to use or avoid certain terms?
A Yes. We sometime would -- not mentioning the whole name of the groups or the fighting, you would sometime use hand gesture or face expression, so that we know what we are saying.
Q Did there come a time when you, Zarein and Adis decided to travel abroad to conduct jihad?
A Yes.
Q And approximately when was that?

A It was in 2008, the early part of 2008 that we decided that we're going to go to Afghanistan and fight.

Q Why did you plan to go to Afghanistan as opposed to another area to conduct jihad?

A We were -- we believed that Afghanistan was unjustly taken from the Taliban and we should, you know, liberate our country from the U. S., and bring back the, you know, similar, the Government that Taliban had.

Q Did you discuss with Zarein and Adis whether being Pashtun ethnically had any effect on your decision to fight jihad in Afghanistan?

MR. NASEER: Objection.

THE COURT: Well, the question is, did you discuss it.

I'll let you answer that yes or no.

THE WITNESS: Yes. It did have an effect on us being a Pashtun and a Muslim from that area. It did have an effect on us.

THE COURT: Why don't we take a short break, and we'll break you in gently, ladies and gentlemen. Now, when we break, I remind you, do not discuss the case. We'll resume in about 12 minutes.

(Recess.)

THE COURT: All right. Before I leave the bench -- are we ready for the witness?

(Witness leaves the stand.)

THE COURT: Let me just make two comments for your enlightenment, perhaps, Mr. Naseer. I agree with you, this cases not about 9-11. And although there may be inevitably some passing references to it, we're not going to get into 9-11.

Otherwise, the general tenor of your objections seems to focus on the background, which is what we're hearing now of this man and his history, as we all understand it to be. And I fully appreciate that you're not going to pretend he's anything other than what he appears to be. So -- but if I'm mistaken in that and you have some different approach, maybe I'll reconsider these objections.

All right. We'll take ten minutes.

MR. NASEER: My last objection was for the reason that what effect it had on other people.

THE COURT: Well, we're trying to get -- they're trying to bring out his history. This is essentially his history, how he became radicalized, according to the Government, what prompted him to finally go to Pakistan and Afghanistan and start training.

Is that essentially what it is?

MS. AHMAD: Yes, your Honor.

THE COURT: You're not going to challenge any of that, I'm sure.

MR. NASEER: But I believe that he can only testify for himself and he cannot explain what effect it would have on other people.

THE COURT: This is preliminary background purposes. I permit it. I overruled the objection. I stand by the ruling.

Ten minutes.

(Recess.)

THE COURT: Otherwise, let's go.

(Witness takes the stand.)

THE COURT: Let's go. Where is he?

THE CLERK: Bring him out.

(Defendant enters the courtroom.)

THE COURT: Okay.

THE CLERK: All rise.

(Jury enters.)

THE COURT: All right. Please be seated, everyone.

Ms. Ahmad, please continue.

MS. AHMAD: Thank you, your Honor.

BY MS. AHMAD:

Q I think when we broke, Mr. Zazi, we were discussing your Zarein and Adis' decision to fight jihad in Afghanistan?

A Yes.

Q And can you tell us what effect, if any, being Pashtun had on your decision to fight in Afghanistan?

A You know, as a Pashtun and our people who speaks that and from that region, they've been fighting for I would say they been like as warriors for hundreds of years, and Pashtun always defend their honor, their country, their land.

So as myself as a Pashtun, it does have a lot of effect on me to defend my country, my tribe, my province. So being Pashtun did have a lot of effect on me.

Q Did you, Zarein and Adis eventually formalize your decision to conduct jihad?

A Yes, we did.

Q How did you formalize it?

A Us three when we used to talk about, you know, people -- guys who are fighting in Afghanistan, like the Mujahideen groups in Afghanistan and Iraq, we would talk about it, and sometimes we would talk about Qur'an and about lectures.

So eventually, we decided just by talking about it. It wouldn't do anything, it wouldn't change the facts that, you know, as a Mujahid or as a Muslim that we defend our countries. We just talk about it, but we're not actually doing any actions toward it. So we decided that just being on the sideline, we should rather join and go fight.

Q Did you -- was there an occasion where you all decided, you all verbalized out loud that you're going to do that?

A Yes, we did.

Q And where was that?

A That was, we were in driveway of our mosque, our local mosque. I believe we were in a car. And when the discussion came, after the discussion we decided, we made an oath that we going to go to Afghanistan and fight and join the Taliban.
Q Did you eventually make good on that oath and start planning to go to Afghanistan to join the Taliban?
A Yes, we did.
Q And when, approximately, was that?
A I think it was somewhere in March that we decided that we're going to go to Afghanistan and it took five, six months or five months that we took preparation for the trip.
Q Were you planning to ever come back from Afghanistan?
A No, our intention was never to come back to U. S.
Q Why?
A The reason we knew that it once we go to Afghanistan, and we come under U. S. Rather that we left U. S. And joined the Taliban, we would never be allowed to come back. So for that reason, we decided that we would never come back.
Q You felt like you would never be allowed to come become by whom?
A By the U. S. Government, if you ever tried to come back, we were going to be arrested and put in a jail.
Q Now, did you plan to travel directly to Afghanistan or to some other place first?
A No, our plan was that we go to Pakistan first, and then

from Pakistan we go to Afghanistan.
Q Who bought the tickets for the three of you to go to Pakistan?
A I did. The tickets, I bought the tickets.
Q You did you pay for all three?
A Yes, I did.
Q How did you get the money to pay for all three?
A At that time, I was working and at the same time, I -- because my intention was never to come back to U. S., I also maxed out my credit cards.
Q So when you maxed out your credit cards, you're saying you spent all the way to the limit on them?
A I did.
Q Did you ever intend to pay that money back?
A No. I was never planning to come back, so I had no intention to pay it back.
Q Because you thought you wouldn't get caught?
A That's the reason.
Q What did you spend that money on?
A I bought a lot of electronics like games, laptops, cameras. I bought jewelry, clothes, maybe the tickets also included in it.
Q What were you planning to do with the jewelry, electronics, cameras and et cetera that you purchased?
A I had -- you know, my intention was that I would keep

some and give some to the Taliban, because I used to watch videos, so I knew that they need cameras and I bought good cameras. So my intention was to give some to the Taliban and some to myself or give it, you know, sell it or give it as a gift.

Q Did you get any cash advances from these credit cards?

A I did get some cash advances.

Q In total, how high a bill would you say you racked up on those credit cards before you left?

A I think it's close to $50,000.

Q Did you, Zarein and Adis discuss what you would tell your families about your trip to Afghanistan?

A Yes, we did have a discussion on that, too.

Q What did you decide to tell your family?

A You know, for me because I had a wife in Pakistan, and Zarein had a wife in Afghanistan, it was easy. So I told my family that I'm going to visit my wife.

Q And do you know what Zarein and Adis told their families, did they tell you what -- what their plan was?

MR. NASEER: Objection.

THE COURT: I have to hear the whole question.

BY MS. AHMAD:

Q Did they tell you what they told their families?

THE COURT: Just a yes or no, please.

THE WITNESS: Yes.

THE COURT: Next question?

BY MS. AHMAD:

Q Now, did you, Zarein and Adis -- let me ask you this. When you were planning to leave to conduct jihad, did you have any concerns about getting caught?

A Yes, we did have some concern that we might get caught, but, you know, we had a plan for that, too.

Q What was your plan to avoid getting caught?

A Our plan was that because I have a wife in Pakistan, Zarein had wife in Afghanistan, we had -- and previously we had traveled to Pakistan, it was easy for us that to say that our plan is to go to Pakistan to visit my wife and visit his own wife.

For Adis, we had a plan that he's going to go with us to Pakistan to look for a wife. You know, to have a Muslim woman from Pakistan. So that was our plan that we going to stick to it.

Q Did you take any other steps besides coming up with these cover stories to minimize the risk that you would get caught before you departed?

A Yes. We took some measure for this security. It was that we going to have a round trip ticket for Adis. We were going to have a short visa from the Pakistani consulate, so the consulate would not ask a lot of questions. Those were the things -- and have a, you know, decent clothes that -- for traveling, not to be suspicious of three young man, you know, going for some other reason than visiting their family.

Q What do you mean by decent clothes?

A Wear clothes like a normal person, normal person who is trying to visit his family, nice and shiny, brand-new clothes.

Q You also mentioned that you decided to buy Adis a round trip ticket as a security precaution?

A Yes, we did.

Q Now, was Adis actually intending to return to the U. S.?

A No, he was not.

Q So why was buying a round trip -- why did you decide to buy him a round trip ticket?

A The reason was that in case if he come under, you know, some kind of surveillance or we would be asked, it would be easier to be explain that he's coming back in a matter of a month and that he's not trying to stay over a month. So that was the reason.

Q Did you want to buy -- did you intend to buy a round trip tickets for yourself and Zarein?

A Our initial intention was not just one way, but then eventually bought round trips for ourself too.

Q Why did you end up buying round trip?

A The prices of the tickets were only like a hundred dollar off from the original price one way, so I decided to pay a hundred dollars extra, so we can have the round trips, too.

Q I think you mentioned visas, now, did the three of you all needs visas to travel to Pakistan?
A Yes.
Q And how long of a visa did you and Zarein obtain?
A I had a three months visa, and I believe Zarein had a three months visa too.
Q What was the length of the visa that Adis obtained?
A Just for a month.
Q Why did Adis get a shorter visa than you two?
A We wanted to have a, you know, one month visa, so this way the consulate of Pakistan would not ask a lot of questions about he's want to go or why he's staying so long. So for that reason, we say the shorter, the better.
Q And what was the approximate date that you all traveled to Pakistan?
A I think it was in summer in August.
Q Of what year?
A 2008.
Q Did you bring anything with you other than your personal belongings?
A Yes, I did.
Q What was that?
A I brought with myself the electronics that I, you know, got from credit cards, laptops, cameras, memory cards, my iPod, laptop, my personal laptop, the jewelries and little bit

cash.
Q Where did you leave from?
A We flew from Newark Airport from New Jersey.
Q What airline did you fly on?
A We got tickets from Qatar Airline.
Q And where did you arrive in Pakistan, what city?
A Peshawar.
Q Now, when you were at Newark before you departed, did the three of you ever any encounter with law enforcement?
A Yes, we did. We did have some, you know, encounter with law enforcement.
Q Can you tell us what happened?
A We were asking the, when we get to the airport, we were trying to get the seats together, because the trip is almost 20 hours trip. So we wanted to sit together. We asked the person who was giving us the boarding pass. I believe they called the police, that these young guys with beards are trying to sit together. So in the airport when we are waiting for the, you know, to be boarded to the airline, two police officers showed up and they took us to the side and start asking us some question.
Q Did those officers interview you separately or all three together?
A No, they interview us separately.
Q And what did you tell the officers during your interview?

A I told the officer that I, my wife is in Peshawar. I've been to Peshawar many times. So this trip of mine is the purpose seeing her.

Q Is that true?

A Some of it, of course, was true that I wanted to see my wife, but at the same time my intention was to go to Afghanistan and fight.

Q Did you later discuss with Zarein and Adis what they told the interviewing officers?

A Yes.

Q What did they tell them?

A They asked Zarein the same questions. Zarein said the same thing, that he was going to see her wife, his wife in Afghanistan.

MR. NASEER: Objection.

THE COURT: Overruled.

A And Adis was, Adis told the officer what he told me, that he was going to Pakistan to find a Muslim wife, Muslim, you know, wife in Pakistan and he's going with us, you know, like he was going to stay with me.

BY MS. AHMAD:

Q Were those statements entirely true?

A No, they were not.

Q Was that part of the plan you devised in order to avoid getting caught?

A Yes.
Q Now, when you arrived in Peshawar, where did you go?
A Myself and my friends, we all went to my uncle's house, Lal Muhammed.
Q Who else was at the house besides your uncle?
A Couple other uncles from Canada, my cousin, Amanullah, my other female cousins.
Q Now, your cousin, Amanullah, how exactly are you related to him?
A He is my actual cousin, first cousin and he was -- he came with us in 1999. My father brought him as his son. So that's one relationship we have.
Q So when you say us "with us," you mean your family?
A My family brought him as a son. My father raise him in U. S. As his son.
Q Did your father state on immigration paperwork that Amanullah was his son?
A He put that on the immigration papers.
Q What was the reason for lying about Amanullah's relation to your family?
A The reason was that my father want to give him a chance to his family and to him that when he grew up, grows up, he will would be able to work and sustain himself and his family from U. S.
Q Would Amanullah have been able to emigrate with your

family if your father had been honest about his being a nephew rather than his son?
A I don't think it would be possible.
Q Now, when you arrived at your uncle's house in Peshawar, what was your plan?
A Our plan was that we would travel from there to Afghanistan, from my -- Peshawar to Afghanistan, where we wanted to join the group that we had already planned to go.
Q And were you, Adis and Zarein planning to go together to Afghanistan or separately?
A Initially, we were all planning to go together, but then in Peshawar, I decided to stay a little longer with my wife and with my family. My grandmother was sick at that time, so I told them that if you guys go, and I'll come back two, three weeks later.
Q Did they eventually depart for Afghanistan?
A They did.
Q Did you help them?
A I helped them to the bus station.
Q And after you put them on the bus, when was the next time you heard from them?
A Later that afternoon, they called me. Zarein called me and that's when I heard from him.
Q What did Zarein say in that conversation?
A On that conversation, he said that he's going to tell me

the story later, but that moment, he needed a address of the place where we living to the taxi driver, so he could come back to the house where I was stationed.

Q Meaning your uncle's house?

A Yes.

Q Did Zarein and Adis arrive back to your uncle's house the same day they left for Afghanistan?

A Yes.

Q What did they tell you when they got there about why did they come back?

A They said that when they were departed from the station that I was there with, just few miles, couple miles from there was a -- there as borderline between the tribal area and where the Peshawar City is. They say there was fighting going on between the local Pakistan Taliban and army, and so the police stopped their car and suspected them of being a spy because Adis was white and couldn't speak Pashto.

MR. NASEER: Objection.

THE COURT: Go ahead.

A So, you know, the police start to suspect him of being foreign intelligence spies, and, you know, from that point of view they were trying to take these two of my friends to the normal police station which is located further in Peshawar.

BY MS. AHMAD:

Q So the Pakistani police suspected Zarein and Adis of

being foreign spies?
A That's what they told me.
Q And what happened when the police took Zarein and Adis on the way to the police station?
A What happened was that in the pickup of the police car, Adis and Zarein were in the back. Adis, my friend, started reciting Qur'an in arabic, and when the police officer heard him reciting Qur'an, he realized -- the police realized that he's not a spy. In reality, he was a Mujahid.
MR. NASEER: Objection.
A A fighter who wants to go to Afghanistan.
THE COURT: Yes. Sustain the objection.
Next question?
BY MS. AHMAD:
Q I think you mentioned the Qur'an, Mr. Zazi. Can you tell us what the Qur'an is?
A Qur'an is our holy book that was revealed to Prophet Mohammed, Sallallahu Alaihi Wasallam.
Q After he recited the Qur'an, did the police let Zarein and Adis go?
A Yes, they did.
Q And so, given this setbacks in getting to Afghanistan, did you, Zarein and Adis try to come up with a new plan to get there?
A Yes, we did.

Q Did you seek anyone's help?
A Yes.
Q Whose help?
A There was two of our cousin work, our third cousin, you know. I don't have the exact relationship-wise to say his relation with us, but it's very close relative, and also my cousin, Amanullah, who bought -- give us some help to, you know, for Afghanistan.
Q What help did Amanullah give you?
A Amanullah, what he did was he went to a mosque and the imam of the mosque of our local mosque, he give him help. I mean, actually he asked him if he could -- if he could help us, and he send a message to us that he would be willing to help.
Q So what did the imam say that he would be willing to do for you?
A He say that he will introduce us, my friends to a person who would be willing to help us.

MR. NASEER: Objection.

THE COURT: Overruled.

Go ahead.

BY MS. AHMAD:

Q And did the imam, in fact, introduce to you such a person?
A He did.

Q And tell us about that meeting you had with that person.
A We told -- the person or the imam?
Q The person, to whom the imam introduced you.
A The imam told us that he's not his first choice, the first day that we met him. He said the choice that he wanted to meet, you know, us, was not available. So he would be here tomorrow, but the first person we talked to him about who we were and where we came from and what is our intention at the moment was.
Q Okay. So if I understood you correctly, the imam wanted to introduce you to two people, but the first person who was available was not actually his first choice?
A Yes.
Q Okay. So tell us about that meeting, though. What did you tell that person you three were intending to do?
A We told him that we came from United States, and we were planning to go to Afghanistan and to do jihad, and we tried to go to Afghanistan, but we failed. So if you could help us to get to Afghanistan, and that's what we are looking from you.
Q What did he say in response?
A He say that he's willing to help us. He's willing to take us, and, you know, he assured us that he has helped other people before -- before us, and he mentioned some names.
MR. NASEER: Objection.
A And one of the person that he mentioned was from -- a

person from U. S. Who was captured in Afghanistan before -- after 9-11, after 2001. You know, said that he also -- his group also helped him. So he give us the assurance that he would be willing to help us to get to Afghanistan.

BY MS. AHMAD:

Q Who was that person who, this individual who he had previously helped get to Afghanistan?

A He mentioned the name of John Walker Lindh, from U.S.

Q Now, did you, Zarein and Adis decide there and then to accept the help that this man was offering or not?

A We had -- we had no objection to it, but because the imam said that he would be, he's going to give us the second person, the next day. So we went back to the imam and we told him that we saw the guy and I think he's okay, but we will also meet your first choice.

Q So the second person you met was, in fact, the imam's first choice?

A Yes.

Q Did you eventually meet that man?

A Yes, the next day.

Q What was his name?

A His name is Zahid, and his real name is Ahmad, but when he --

MR. NASEER: Objection.

THE COURT: To what?

MR. NASEER: The real names, sir.

THE COURT: Overruled.

Go ahead.

A His real name was Ahmad, but the first time that we met him, he introduced himself as Zahid.

BY MS. AHMAD:

Q And can you us describe the man? What do you prefer to call -- what did you usually call him, Zahid or Ahmad?

A I called him only Zahid.

Q Okay. So can you describe what Zahid looked like?

A Zahid was in his twenties, mid-twenties, Pashtun, had a short beard, little stutter in his language. That's about it.

THE COURT: I assume you've given the reporters a list of these names?

MS. AHMAD: I have, your Honor.

THE COURT: Go ahead.

BY MS. AHMAD:

Q All right. Now, when you met with Zahid, what did you tell him your goal was?

A We -- I told him that we came from United States, and I have a green card from U. S. I'm planning to, you know, go to Afghanistan and do jihad over there.

Q What did he say in response?

A In response, he said that he's -- like he's trustworthy. He's going to help us. He's going to take us to Waziristan and introduce us to al-Qaeda.

(Continued on the next page.)

EXAMINATION BY
MS. AHMAD:
(Continuing.)
Q And where is Waziristan?
A Waziristan is the tribal area in Pakhtunkhwa Province of Pakistan.
Q Did you understand Zahid to be a member of al-Qaeda?
A When he said that, I had a feeling that he is part of al-Qaeda.
Q Now, I think you've told us a little bit with what Ahmed Zahid looked like.
Can you tell us, approximately, how would he was?
A At that time, he was in mid-20s. 25, 24, 26, somewhere there.
Q And decides his work or al-Qaeda, did he do anything else or was he a student at all?
A He was a student he mentioned that he's a student in college.
Q And what languages did you speak with Zahid?
A I spoke to him in English and also in Pashto.
Q Did you, Zarein, and Adis decide to take Zahid up on his offer to introduce you to al-Qaeda?
A We did took that offer.
Q And what plans did you make with Zahid?
A The plan was that we decided to go with him and we told

him what happened with the first guy we met. They introduced us. We also told him that what happened in our first attempt to go to Afghanistan that how it failed. So we ask him if he could help us he say, yes, he would. So after that, you know, he give us the assurance and gave us some time to prepare for the travel.

Q And was he planning to take all three of you to Waziristan together or separately?

A No. In our first meeting, he said that he would take each one of us separately. But because the first time was failed, and we were a little confused, so we decided that this time we're not going to separate. We're going to go altogether.

Q And did you, in fact, go altogether?

A Yes, we did.

Q You said it took a couple days from your first meeting with Zahid.

Did Zahid tell you he needed a couple of days or did you guys want a couple of days?

A He said give us some time so I could prepare or arrange the travel from here to Waziristan. He took the days.

Q Zahid wanted the time to prepare?

A Yes.

Q And did you see him again a couple of days later?

A Yes.

Q Where did you meet him that day?
A I believe he came to my house. I told him where my house was. And so, he gave -- he said that the next morning he would come and pick us up; or he said that the day after next morning, he's going to come and pick us up.
Q Did he come and pick you up?
A He did.
Q From your house?
A Yes.
Q Around what time?
A Early morning. Like, arriving before sun rise.
Q Did he come on foot or in a car?
A No, he came in a car and somebody else with him. So he came with the car.
Q Who was the other person who was with him?
A He introduced himself Ali.
Q And what was Ali's relationship to Zahid?
A He said that he would be our guide and also helped in travel from here to Waziristan because he's, you know, he's from this area, he knows the area, he could talk to police if we ever been, not arrested, I mean, if we were being questioned by police, he would be the one who would talk to the police.
Q So Zahid would and Ali would help you navigate the area?
A That's correct.

Q Did Zahid and Ali have a previous relationship or had they met that day?
A No, they knew each other.
Q And so did you, in fact, depart Peshawar for Waziristan?
A We did.
Q Did you all get in the same car?
A Yes.
Q Who exactly was in the car?
A Myself, Adis, Zarein, Ali, and Zahid.
Q And approximately how long did that trip from Peshawar to Waziristan take?
A We end up the next morning around 10:00, 11:00 a.m. We stayed overnight in one place.
Q Did you have earlier discussions about your intended destination with Zahid and Ali during this road trip?
A Yeah. The discussion we had was that we say he's going to take us to Waziristan where he's going to give us the training. And things that we need to do in Waziristan or we get to Waziristan, stuff like that.
Q Was this Zahid who said this or Ali?
A No, Zahid said this.
Q And what kind of training did Zahid say you were going to receive?
A He was giving us the indication of, you know, actual military kind of training, like, how to fight with guns, the

guns that I already had in my mind.
Q And which group is going to provide you with that training?
A He mentioned al-Qaeda.
Q Did you have any conversation with Zahid on this trip about security precautions?
A Yes. Yes, he did. And he mentioned a few things in this trip.
Q What did he mention?
A One thing he said that he's going to travel through the back -- the main road that goes, it's short and, you know, it's a main road. He say he's not going to go on that road to avoid police checkpoints and other. So he's going to go the back road.
And another thing he said that choose our new names, like, kunyas. Names that are other than our real names.
Q You used the word kunya, tell us what that is?
A An alias.
THE COURT: A kunya is an alias?
THE WITNESS: Yes, your Honor.
Q And based on the discussions you had with al-Qaeda members about kunya, is it standard practice for al-Qaeda members to choose kunya or aliases or not?
A What I acknowledge was that this was a common thing among everyone that they choose a different name other than the real

name.
Q And was Zahid, Zahid's kunya or his real name?
A No, that's his kunya. That's his alias.
Q And his real name was?
A Ahmed.
Q Okay.
And did you, Zarein, and Adis choose kunyas during this drive?
A Yes, we did.
Q What kunya did you choose?
A When he give us the option, I choose Saddam Hussein. And my other friends, Adis choose Mohamed and Zarein choose Omar.
Q Now, did Zahid tell you whether you had to use these kunyas all the time when you were in Waziristan or not?
A Yes. He said you should never tell your real names or where you came from. And these are your now names you will be called in the whole trip.
Q Why did Zahid say that you should never discuss where you came from?
A Because he mentioned even in the car that al-Qaeda might send us back to America. But we took it as, like, you know, maybe he's just playing around. But, you know, he didn't want us, you know, ask my friends and myself that anybody know about us where we came from in case that al-Qaeda send us back.

Q So he didn't want anyone to know you came from America?
A Yes.
Q What do you mean by al-Qaeda might send you back to America? Send you back for what purpose?
A When he said that in a car, you know, I didn't take it serious myself, I didn't take it serious. But I knew if they send us back to U.S., it would be more for suicide operation or martyrdom operation.
Q For you to conduct such an operation in the U.S.?
A That's what it meant to me.
Q And I think you told us that you stopped overnight en route to your destination?
A Yes.
Q Where did you stop?
A We stopped in a place called Tull. And it was Zahid's family house where we stayed overnight.
Q Did you meet members of Zahid's family at that house?
A I did.
Q What city was ultimate destination?
A Our ultimate destination was Waziristan but when we get to Miramshah that's when I notice this was our destination.
Q Miramshah is a city in Waziristan.
A Yes, it is.
Q I'd like to show you what's been marked for identification as Government Exhibit 801.

THE COURT: 801?

MS. AHMAD: Yes, your Honor.

Q Can you tell us what this is?

A This is the province of Pakhtunkhwa Province of Pakistan.

Q Okay.

Is this a fair and accurate depiction of that region based on your knowledge of it?

A It is.

MS. AHMAD: Your Honor, the Government would move to admit Exhibit 801.

THE COURT: Any objection, Mr. Naseer.

MR. NASEER: Yes, sir.

THE COURT: And the basis of the objection simply.

MR. NASEER: Very general map. It's not specific to what the witness is.

THE COURT: All right. Doesn't purport to be.

801 is in evidence. Objection overruled.

(Government's Exhibit 801 was received in evidence as of this date.)

MS. AHMAD: May we publish to the jury?

COURTROOM DEPUTY: Certainly.

(The above-referred to exhibit was published to the jury.)

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EXAMINATION BY
MS. AHMAD:
(Continuing.)
Q Mr. Zazi, I would like to you point out for us some of the locations that we've been discussing.
Did you see Peshawar City on this map?
A Yes, I do.
Q Can you circle it?
A (Circling).
Q And I believe you said that en route to Miramshah you stopped in Zahid's house in Tull.
Can you point to Tull on this map?
A (Circling).
Q Is that the correct location?
A Yes.
Q Okay.
So this is -- so you drove from Peshawar to Tull?
A Yes.
Q And you spent the night there?
A Yes.
Q Where is Miramshah, your eventual destination?
A It's right here in North Waziristan.
Q Can you put a mark, there?
A (Marking).
Q Is that right here?

A Yes.
Q Can you describe the general terrain in this region of Pakistan?
A Yeah, it was dry. Not tall mountains but dry, mountainous area. And mostly, you know, not developed.
Q Now, compared to Peshawar was Miramshah -- was Waziristan, I'm sorry, more or less developed?
A Much less developed.
Q And what about the relative population. Was it more or less populated than the City of Peshawar?
A It was less populated.
Q Now, during your drive from Peshawar to Waziristan, were you stopped at any checkpoints?
A Yes, we were.
Q How many times were you stopped?
A We were stopped two times. One time for we did it ourselves and one time by police.
Q Okay.
Tell us about the time that you were stopped by the police. What happened?
A When we got to Kohat, police stopped us because it was regular checkpoint. And police, you know, start to look at our bags in our trunk of the car. And Zahid Ali went outside and talked to the police. After five minutes, we were let go.
Q Okay. Can you point out Kohat on this map?

A Kohat is right here.
Q When you arrived in Miramshah, where did you go?
A We end up in Miramshah in a store. There was a guy who was a friend of Zahid named Shokaib and there was a small store where we were told to stay there.
Q And did all five of you stay at Shokaib's store or did anyone leave?
A No Zahid left. We four stayed there.
Q You, Zarein, Adis, and Ali?
A Yes.
Q Where did Zahid tell you where he was going?
A He said he's going for the people that -- who is going to take us for, you know, that al-Qaeda members who is going to take us for training.
Q He was going to find them?
A Yes.
Q And after Zahid left, how long did you spend in that store?
A We spent five, six hours.
Q Where did you go after five, six hours?
A Zahid didn't show up, so Shokaib took us to one of his friend's family's house occupied by family and said that this would be our, you know, as a guest we're going to be staying there for some time.
Q This is again the four of you?

A Yes.
Q And did you meet any al-Qaeda members at that house?
A Yes, we did.
Q Who were they?
A There was two people showed up late that afternoon. One of them introduced himself as Abdul Hafeez and the second one introduced himself as Ibrahim.
Q Can you describe Adbul Hafeez for us?
A Adbul Hafeez, tall, black complexion. Had a beard, had his weapons on himself, wearing traditional hat from the area. Spoke English and a little bit Pashto. Arabic, too.
Q You said he had weapons on him?
A I mean, he was carrying his weapons, like, AK-47 and handgun.
Q What is an AK-47?
A AK-47 is a rifle.
Q So he was carrying both an AK-47 and a handgun?
A Yes.
Q Now, did you have conversations with Adbul Hafeez at that meeting about what your man was?
A Yes.
Q And what did you tell him about yourself?
A We all three told -- we, all four of us, three of my friends.
MR. NASEER: Objection.

THE COURT: Overruled.
A Two of my friends -- am I continue?
Q Yes.
THE COURT: Go ahead.
A Two of my friends and Adbul Hafeez and myself, we had conversation together. So we all tell him that we came from United States and our plan is to come and do Jihad over here.
Q And what was Adbul Hafiz's reaction to when you said you were from the United States and wanted to do Jihad?
A He had already knowledge of us where we came from because we already told Zahid our whole identity and everything. So he was happy and glad to see us and being there.
Q Did he explain why he was glad that you were there?
A No. The face -- he was happy to see us the reason was that we are from U.S. And in that conversation the reason he was happy is that he was also having intention for us to go back to U.S. which he said to us was that we should think about going back to United States. So that's why I say that he was happy to see us.
Q Now, what did you tell Adbul Hafeez your plan was to fight Jihad?
A We told him that --
MR. NASEER: Objection --
A -- that the U.S. Government.
THE COURT: Overruled. Go ahead.

A The U.S. Government is in Afghanistan and their allies. And this is the duty of Muslims to go and fight and defend their countries.
Q What did he suggest to you should be your course for Jihad?
A He said that he's going to give us the training, training in weapons and whatever military training is. And -- but, at the same time, he was also telling us to think about going back to the U.S. on behalf of their organization.
Q Meaning al-Qaeda?
A Yes.
Q Going back to the U.S. to do what was your understanding?
A He was referring to go back and, you know, to do a martyrdom operation.
Q What do you mean by martyrdom?
A Martyrdom is the means in which you give your life in operation.
Q So, like a suicide operation?
A Yes.
Q And was there an Arabic term for martyrdom?
A In Arabic, we call it Shehadeh.
Q And is there an Arabic term for martyr?
A It is called Shahid.
Q Did you discuss taking any security precautions with Adbul Hafeez?

A Yes. The security precaution was the same as Zahid said, that we will not tell nobody our real names. And he give us the instruction not to tell nobody our real names and not to tell anybody about where we came from. And he also asked us if we have our passports with us so that he could, you know, secure our passports.

Q Now, when Adbul Hafeez said not to tell anybody your real names, did he mean anybody at all or just people who are not members of al-Qaeda?

A No. Actually, he was referring more to, in general, to anybody except that he authorized a person or people -- people that he authorized that we could reveal our names to.

Q So could you tell your real names to al-Qaeda members who Adbul Hafeez had not authorized to tell them to?

A No.

Q Why Adbul Hafeez want your passports?

A Because he wanted to secure our passports in case we lose it or, you know, something happens; that somebody has, you know, somebody gets our passports. So he wanted to secure our identifications.

Q Now, when Abdul Hafeez suggested to you that you, Zarein, and Adis should consider going back to the U.S. to conduct a suicide operation, how did you respond?

A We said to Adbul Hafeez that we came to do Jihad over here we don't want to go back. Our plan was never to go back

to U.S. Our intention was we would stay in that region.
Q What did he say to that?
A He said that, you know, don't -- he said go ahead and think about it and you have time to think about it more and we will discuss further.
Q I think you told us the other al-Qaeda member you met at this safe house was an individual named Ibrahim?
A Yes.
Q Can you describe Ibrahim to us?
A Ibrahim was Middle Eastern skin colored, light, you know. Shorter than me. Had heard, long hair. Had a traditional, from that area, hat. He spoke Arabic well, English, too. That's about it.
Q Did Adbul Hafeez seem senior to Ibrahim, or did he appear to be same level, same rank?
A The reason I noticed that Adbul Hafeez was senior was because he entered first into the room. So I thought of him, Adbul Hafeez, to be more senior than Ibrahim.
Q Did you have any discussions with Ibrahim about your intentions?
A Yes.
Q What did you talk about with Ibrahim that day?
A We talked --
MR. NASEER: Objection.
A -- mostly just the normal talk.

THE COURT: Overruled.

Go ahead.

A Normal talk, you know, just general talk about Middle East. About himself, who he is. And we told him, yes, we are from New York. We are, you know, from United States. And we are here to go to Afghanistan and fight Jihad.

Q How long did you three stay at Shokaib's friend's house?

A We spent two nights.

Q Was Ali with you that whole time?

A No, he left the following night.

Q And what about Abdul Hafeez and Ibrahim, did they stay at the house or did they visit you there?

A They visited us and they gave us the instructions that they would be back when the time is ready or the whole thing is ready, their plans.

Q And where did you go when you left that house?

A We, actually, Shokaib came back. He took us back to the store, and from the store we went to a hotel. We spent another night over there.

Q And what did you do when you went to Shokaib's store?

A I noticed when we arrived at the first day that Shokaib's store was making, you know, fake identities or nationalities card of Pakistan.

So when we get there, I told Shokaib's friends who was present there I said would you please make three of us, you know, the Pakistani identification cards.

Q Did you get these Pakistani identification cards made in your real names or other names?

A No, we made them on our kunyas or alias.

Q And you said after that Shokaib took you to a hotel?

A Yes.

Q Is that also in Miramshah?

A Yes.

Q Can you describe that hotel?

A The hotel was, I believe, four floors. The first floor was a restaurant and the other three floors was rooms for rent.

Q Were there a TV in that hotel?

A There was a TV on the restaurant.

Q Do you recall what, if anything, was playing on that television?

A I noticed that there was a Taliban, the local Taliban of Waziristan. Their fighting videos was on.

Q And how long did you stay at that hotel?

A Just one night.

Q And where did you go the following morning?

A Shokaib already had told us previous day that at 9:00 a.m., or I think it was 10:00 or 9:00 a.m., came straight to the store which was just a you couple of hundred yards.

Q So did you actually go to Shokaib's store the next

morning?
A Yes, at the exact time that he mentioned.
Q And what happened when you got there?
A We sat there for a few hours until Abdul Hafeez showed up and we had a small, you know, conversation there.
Q Adbul Hafeez came and met you at the store?
A Yes.
Q What conversation did you have when you first came?
A All we had was that he told us that, you know, just relax for a couple of more hours, few more hours. I'll be back later afternoon, you know, and I take you with me.
Q Did he return later that day?
A He returned later that evening early evening.
Q And did you go with him somewhere?
A We did.
Q And how did you travel?
A He came with a car and we got into his car. And then, from that point, we traveled at night for over six hours or five, six hours.
Q Now, over the course of your time in Pakistan in 2008, did you take multiple -- just this car journey with Adbul Hafeez or multiple car journeys with Adbul Hafeez?
A I took many other journeys with him.
Q Were these journeys always at the same time of day?
A It was always at nighttime.

Q And what was your understanding of why Abdul Hafeez always traveled at nighttime?
A He said that night is better, less people around and hard to recognize, hard to be recognized by, you know, people on the streets. So it's more of a, you know, safety measures.
Q When Adbul Hafeez came to pick you up at the store that evening, was he alone or with other people?
A No he had two people with him in the car.
Q Who were those people?
A One was a young black kid, Taufiq. Another kid, I don't recall his name. It was a young, I believe it was a young male.
Q Who drove the car?
A Taufiq was driving the car.
Q And so, can you give us the list of everybody who was in the car for that trip?
A Starting with Taufiq, driver; Abdul Hafeez, the third person; and myself, Adis, and Zarein.
Q And what was the ultimate destination of that trip?
A The destination, he didn't exactly say that where we're going or where we heading. But he was taking us to a place where we could get training, weapons.
Q What kind of training?
A For weapons training.
Q What kind of training, sorry?

A Weapons training.
Q And how long did the trip take?
A Six hours.
Q Did you stop at all along the way?
A Yeah we stopped I think different house.
Q Did you meet any al-Qaeda members at the place you stopped?
A The first one, no. The second one, we met two people, two individuals.
Q Can you tell us which two individuals you met at the second house?
A It was one of the guys who introduced himself was Hamad. And other person, I don't recall his name?
Q Can you describe Hamad for us?
A Hamad was shorter than me. Long hair, beard. Spoke Arabic, English, also very well. And that's about it.
Q Now, I'd like to show just the witness what's been marked as Government Exhibit 17?
Mr. Zazi, do you recognize this photograph?
A Yes, I do.
Q Who is this?
A It's Hamad.
Q Is it a fair and accurate depiction of Hamad?
A Yes.
MS. AHMAD: Your Honor, the Government moves to

introduce Government Exhibit 17.

THE COURT: Any objection?

MR. NASEER: Yes, sir.

THE COURT: 17 -- overruled -- in evidence.

(Government's Exhibit 17 was received in evidence as of this date.)

EXAMINATION BY

MS. AHMAD:

(Continuing.)

Q Now, when you met Hamad, did you have any discussions with him about your plans?

A We had some discussion about some issues.

Q What did you generally discuss?

A Later, we discussed about the missions. About what's next for us, next step. And explosive training and all that kind of -- I would also say about operations that happened already and things like that.

Q So these discussions happened later in time, not the night you met him?

A No. Later in the process.

Q Did you talk about anything of substance the first night you met him?

A The first night because there was other individuals there, we didn't go to that much discussion about our plans. I told him about my, you know, where I'm from but other than

that not about any other plans.
Q And so, when you left that second location where you met Hamad to go to the location where you would receive weapons training, who was with you for that part of the journey?
A There was we drove in two cars. Myself, Adbul Hafeez, Taufiq. And other car, I believe Hamad, Zarein, and Adis.
Q Now, can you describe the weapons training location you eventually arrived at?
A We arrived, you know, in Waziristan there's houses were pretty much alike. And this house was -- had tall walls with three rooms in one row and a big yard and an extension of two rooms for guests. So we end up in this compound on this house.
Q Did Adbul Hafeez and Hamad drop you off there, or did they stay with you?
A No they dropped us there. I believe Hamad stayed there with us but they dropped us off.
Q Did you have any conversation with Adbul Hafeez before you left about what would happen next?
A Yes, he did.
Q Can you tell us what Adbul Hafeez said that you should expect?
A Adbul Hafeez said that in this house we're going to have weapons training. And the people that are here who is going to give us training we should not tell our names and our real

names and our -- where we came from. And the only person that we going to have a discussion and knows about it is going to be Hamad. So we just have to follow the rules of that compound and the person who is going to give us the training.

Q So you were allowed to tell your real names and purpose to Hamad but not to the al-Qaeda trainers who would be giving you weapons training?

A That's correct.

Q Now, did you meet other al-Qaeda members at that weapons training compound?

A Yes, I did.

Q Tell us who you met?

A I met three people there which were in that compound. One was Yousef. Another one was Pakistani Pashtun kid from that area. And another was Ahmed.

Q Tell us about Yousef can you describe him for us?

A Yousef, you know, his color complexion was black. Had beard, hair, long hair. Wearing the traditional hat from the area. Shorter than me, about five-eight. And that's about it. Spoke English and Arabic.

Q What was Yousef's role?

A He was the man in charge of our training, our weapons training.

Q You said there is another Pakistani guy there. Do you remember his name?

A No, I do not.
Q Can you describe him for us?
A About my height. Light skin. Beard, long hair. He spoke English, too, and Pashto. And he was -- he would have been our martial arts trainer.
Q Martial arts you said?
A Yes.
Q And you said that there is individual named Ahmed. Is this the same Ahmed also known as Zahid?
A No, it is a different Ahmed.
Q What was his role?
A He was a cook and a cleaner at that time and, you know, just there as an extra man.
Q Now, how long were you at this weapons training compound?
A Somewhere around two weeks, little over. Maybe two weeks.
Q Were you receiving training for the majority of those two weeks?
A We did, yes.
Q How frequently did you meet Hamad during that training?
A I have seen him four times. Even one time he spent the night with us. He was there.
Q And what kind of things did you discuss and do with Hamad when he was there?
A We discussed broad --

MR. NASEER: Objection.

THE COURT: Overruled.

A We discussed many things. Our location of our residence in U.S., about a few operations that already happened, martyrdom operations. About our plans should be. Watching videos. Talk about, you know, other fighting that happening in those areas.

(Continued on the next page.)

BY MS. AHMAD:
Q The videos that you watched, who chose those videos?
A The videos was brought by Hamad in a laptop that he brought with him, and he was the one who had all these videos in his laptop.
Q What kind of videos did he play for you on his laptop?
A He started with the videos of martyrdom operations that happened in England, and then there are the videos that he showed of martyrdom operation in Pakistan, 9-11 attack and the -- some operation videos of Afghanistan.
Q The videos that he showed you of martyrdom operations, those are martyrdom operations conducted by which group?
A On behalf of al-Qaeda, al-Qaeda group.
Q Who produced the videos that you watched?
A To my understanding, those were from al-Qaeda themselves.
Q Why did you believe that they were from al-Qaeda themselves?
A Because he said that this was their -- and also I knew one of the local that they usually -- that he had from Afghanistan on their videos. So to me, was like obvious that that's their production.
Q In particular, the al-Qaeda logo, you said?
A Yes.
Q You said one of the videos he showed you depicted a martyrdom operation that occurred in England?

A Yes.
Q Can you tell us about that video and operation?
MR. NASEER: Objection.
THE COURT: Overruled.
A The video was --
THE COURT: Go on.
A The video was of young kids from the UK who did their -- who did suicide mission to blow up their London subways, and the video, you know, showed that those kids are giving their speech beforehand, and then it shows the cartoon men, the animation of the actual bombing happen and the damage, that how much damage did it cause to England.
Q What did Hamad say about the damage that was caused to England by that attack?
A He said that this was a very successful attack and it was a attack that damaged the UK. It cost them billions of dollars in a matter of few seconds. He was referring to the stock market over there, and he said it kind of shut down the, you know, London.
Q Did Hamad tell you why al-Qaeda had targeted England?
A Yeah. He was pointing towards the UK, their allies, the U. S. Allies, and their equal actually responsible in every aggression towards the Muslims and to them.
Q Now, what other al-Qaeda martyrdom operations did Hamad show you videos of?

A One was video -- was like an hour video of a young kid, Arab who attacked a Danish embassy in Pakistan, Islamabad. There's a documentary of 9-11, how 9-11 happened and what is the reason behind that 9-11 happen.
Q Did Hamad explain to you why Denmark had been a target of al-Qaeda's?
A Yeah. The conversation was that, you know, that we were having was that the Danish embassy was targeted was because of they made a, you know, a cartoon of our prophet, Alayhi as-Salam.

Q Alayhi as-Salam is Arabic for "peace be upon him."
A Yes.
Q Is that a standard honor --
A For all the prophets and messengers, from Jesus to all -- Adam. We say, "Peace be upon them."
So the Danish embassy in Islamabad was targeted because some people in Denmark had published a cartoon of the Prophet Muhammad, is that what you're saying?
MR. NASEER: Objection.
THE COURT: I'll permit it, and then we're going to take our lunch break.
Go ahead.
A Yes. The cartoon was -- they were making fun or mockery of our prophet, so it was retaliation for that.

THE COURT: Retaliation. Okay.

Okay. Is this a logical point to break?

MS. AHMAD: It is, your Honor.

THE COURT: We'll take our lunch break, folks and resume at 1:45. Enjoy your lunch. Do not discuss the case.

THE CLERK: All rise.

(Jury exits.)

THE COURT: All right, folks, 1:45. I'll be out a few minutes early if anybody wants to discuss anything.

(Witness left the stand.)

(Lunch recess.)

(Continued on next page.)

(In open court.)

THE COURT: I am ready for Mr. Naseer.

(Witness takes the stand.)

THE WITNESS: Good afternoon, your Honor.

THE CLERK: You can bring him out.

(Defendants enters the courtroom.)

THE COURT: All right. We have just two minutes before the jury returns. I wanted to alert Mr. Naseer and government counsel that one of our jurors, alternate number three, may have, believe it or not after, all the time and attention, may have an employment issue.

With your permission, I will interview him with the court reporter at the close of business today and let you know the specifics of it first thing in the morning. Does not appear that that he wants to get off the jury. So it's an issue that may not yet be fully developed.

Mr. Naseer, did you want to say anything for the record, I came up early, in the event you wanted to.

MR. NASEER: Sir, I object to the witness' testimony so far. Throughout the whole morning, the witness has been testifying to what his activities, what he did in New York, and in Pakistan, and he mentioned a few names that individuals --

MR. CANTY: You have -- the witness is present.

THE COURT: All right, gents. We may have the jury there. So Nick, just see if the jury's there. Are they there?

(Witness leaves the witness stand.)

THE COURT: Come on. Let's go. I came up early for that purpose. I know it's not your fault. You hadn't been up here. I thought I made it clear I would be on the bench early, because I had the sense you wanted to say something. Go ahead.

MR. NASEER: So throughout the morning, the witness has been testifying about his activities, what he did, growing up in New York and what he did in Pakistan, and he mentioned individuals he met in Pakistan during the training camps, is all testimony irrelevant to the defendant. The activities, the things that he did and was up to in Pakistan or he was intending to do in New York has nothing to do with the defendant that was residing in England back in 2008 and 2009.

THE COURT: On its face, that's quite right, but go ahead.

MR. NASEER: I ask the Court to strike his whole testimony because it's just absurd that he's being allowed to testify for the whole morning and nothing has come up that is credible. He testified to something that is his own activities and his own whole background.

THE COURT: Well, it is the Government's view -- I don't share it or not share -- it's the Government's view that we will hear evidence connecting his -- the activities of this witness with other activities, alleged activities that you were involved in that were part of a common plan or scheme or conspiracy, if you will, orchestrated and supervised by high level members of al-Qaeda. So if that is, in fact, the way the evidence is presented and if that factual conclusion is valuable to the jury, then of course, it's entirely relevant.

I can understand at this point, on its face, it doesn't appear to be relevant because he hasn't mentioned your name. He hasn't alluded to anything that you're alleged to have done. But we'll have to -- we'll have to see as it goes. The Government has alleged a conspiracy, and so they have the burden of proving the existence, first of all, of a conspiracy.

Additionally, significantly, they have the burden of proving that at some point, you became part of that conspiracy. They haven't done that with the witness, I grant you that, but they are in the process of alleging through the testimony of this witness and proving through the testimony of this witness, if it accepted by the fact finder the existence of a conspiracy.

So in that context, the testimony is relevant, but I note for the record your objection.

All right, Ellie.

MS. AHMAD: Your Honor, whenever the Court wishes, we have an update from the MDC regarding the issue.

THE COURT: All right. At the close of business.

Okay. What time do you want to take a break, Mr. Naseer?

MR. NASEER: 3:30, sir.

THE COURT: 3:30, quarter of four? Does that work?

MR. NASEER: That's fine, too.

(Witness takes the stand.)

THE COURT: We're waiting for one tardy juror. Stay right where you are. I just want to make sure he or she is greeted by the judge when they return. I won't say anything.

(Pause in proceedings.)

THE COURT: The juror reports that he was on the wrong side of the building. Couldn't understand where the rest of his colleagues were.

Did you get copies of the documents that Mr. Naseer shared with me this morning?

MS. AHMAD: Yes, your Honor, the emails. We did.

THE COURT: And Mr. Naseer, did you get your copies back?

MR. NASEER: Yes, sir.

THE CLERK: All rise.

(Jury enters.)

THE COURT: All right. Please be seated, everyone.

Whenever you're ready.

MS. AHMAD: Thank you, Judge.

BY MS. AHMAD:

Q Mr. Zazi, when we broke for lunch, we were talking about the videos that Hamad showed you at the weapons training compound.

A Yes.

Q And I believe you described that there were videos of martyrdom attacks al-Qaeda had conducted in London, Denmark and New York on 9-11?

A Yes.

Q I know we talked about the first two, so I wanted to talk to you about the third, the video Hamad showed you about the attack on New York on 9-11. Could you describe what that video generally depicted?

A In general, that video was -- that video was like up to the point of 9-11, what exactly leads to the 9-11 all, you know, it shows -- that videos show the aggression American have taken against the Muslim -- Muslim world. And, you know, how they support all the kings and dictators in the Middle East.

And you know, these were the reason, another reason was that the U. S. Was occupying Arabian Peninsula where they had bases, too. All these things were shown in the beginning and it leads to the 9-11. So that was like retaliation or revenge for all the actions of the United States.

Q Now, had you told Hamad at any point previous to this what type of jihad you, Zarein and Adis were interested in doing?
A We had told to Hamad that we're planning to -- actually came to do the jihad in Afghanistan.
Q To fight U. S. Troops in Afghanistan and NATO forces?
A Yes.
Q And when Hamad showed you these videos, did he express an opinion as to what type of jihad he believed you should be doing?
A Yes, he did.
Q What did he say?
A He was pointing towards that we should go back to the United States and do the martyrdom operation as it shows in the videos, instead of staying in Afghanistan and fight in Afghanistan.
Q Now, did Hamad explain to you why he thought that you three in particular should do an attack in the U. S. Rather than Afghanistan?
A He did mention that. He said that for us, we're a very valuable commodity to them because we're from the United States. We do have the passport, which means that we could go back to U. S., United States without any difficulties. And because they don't have nobody in U. S., we were the only ones and if you do this, it would do a huge

benefit to them and to Afghanistan.
Q When you say you were a valuable commodity to them, who are you referring to?
A To al-Qaeda.
Q Was there any other advantage Hamad said derived from your being from the U. S.?
A Yes. He said that because we lived in U. S., we know the area. We have families, so it's less expensive and it's much better in assurance, you know, that if you're trying to do something, it would be easier and very effective.
Q Now, why did Hamad say that it would be more valuable for al-Qaeda for you to do an attack in the U. S. As opposed to the Afghanistan?
A We asked him that question, why would you not send your own guys from Waziristan or Afghanistan. He said that it's very expensive to them. And they don't have, you know, the capabilities to do that to send somebody and -- to America. And they can't give guarantee that would even be successful, so for us to be from U. S., it was like the perfect situation to them. And also he said that being us, fighting in Afghanistan would just act like three extra personnel to the front line, mean that we will not be as useful as in Afghanistan compared to the United States.
Q What did he mean when he said that you'll just add extra people to the front line?

A He was pointing towards that there are enough people already in Afghanistan and Pakistan who are going to Afghanistan and fighting America. And for us to be there, is would just add another three extra, you know, personnel to the front line, I mean it would not do any good.
Q Good for whom?
A It wouldn't do any good to the cause. The fighting cause in Afghanistan to al-Qaeda.
Q Now, you have told us that your original motivation to fight jihad was to convince U. S. Forces to exit Afghanistan.
A Yes.
Q Did Hamad explain to you how you could serve that particular goal by doing a martyrdom operation in the U. S.?
A He did, he mentioned that the U. S. Is very powerful and they have the money to support themselves by continue the war in Afghanistan. So the only reason for them if they -- we could kick them out from Afghanistan would be if you hit them in U. S. Would cause them a huge economic difficulties, economic damage, and would also make them consider policies towards Afghanistan.
Q Now, did you discuss with Hamad where a martyrdom operation conducted by your group in the U. S. Would take place, meaning what city within the U. S.?
A When we were talking we told him that we were familiar with the area where we're from and we just don't have too much

knowledge of the rest of the U. S. Because we haven't traveled a lot in the country. So he was fine with us being in New York. And carried operation in New York.

Q Did you discuss the particular types of locations in New York that you would target?

A We were talking on one time, to -- like what is -- what kind of location and what kind of targets would have -- do the most damage in financially and he mentioned some, and my friends and I we mentioned some locations that were in New York. I mentioned Wall Street, because I knew a little bit about Wall Street -- Wall Street, how important it is to U. S. And my other friends wanted to say that New York Times, Times Square, it's very important as very -- the world, one of the most destination place for tourists and for the country. And another friend of mine said subways and buses. So we were mentioning these names among ourselves.

Q Now, when you mention Wall Street, how were you familiar with Wall Street?

A I knew -- I was working in Wall Street, so I had an idea that Wall Street -- I mean stock market, actually I was referring, I was talking about stock market and how important. If we are going to hit financial site, this stock market is like the most important site would be.

Q When you talked about public transportation systems like subways and buses, what did Hamad say about those potential

targets?
A He was listening to our, you know, ideas. And he had no rejection to those ideas. I mean, he was fine of us saying. He never said that that would be a wrong place to hit, so he was like okay with it.
Q Did Hamad himself suggest any potential target locations?
A Yeah. When we start to conversation about the location he started with the Wal-Mart. He said the Wal-Mart is like the heart of the U. S. Economy which, you know, gives supplies, house supplies, and people needs, that come from Wal-Mart, which Wal-Mart it's like a big factor in their economy. So he started a conversation with something that, you know, that economies depend on.
Q Now, did Hamad tell you anything in this training sessions about the history of al-Qaeda?
A Yeah, he did.
Q What did he tell you about it?
A He said that how al-Qaeda started, you know. In the Soviet war, al-Qaeda started then, they stationed in Afghanistan, and they start training camps in Afghanistan and until the U. S. Start bombing, you know, Afghanistan and overthrow the Taliban government. And later, how they move from Afghanistan to Pakistan and end up in Waziristan.
Q Now, did you and Zarein and Adis immediately agree to conduct a martyrdom operation or did you take some time to

think about it?
A No, we didn't agree to their suggestion. We said we here to fight in Afghanistan. We don't want to go back, but eventually we agreed upon it.
Q Now, the other training that you received in this compound, you told us it was generally weapons training?
A Yes.
Q Which weapons were you trained on?
A Use of stock, giving us instructions on pistol. And then he moved to AK47, then Pika, which is a Russian machine gun, then he showed us rocket launcher and then grenade, how to throw a grenade.
Q And did you receive theoretical instruction on shooting weapons or did you actually get to practice shooting weapons or both?
A We did both.
Q Now, when you practiced shooting the weapons, where did you go to do that?
A We went outside of the compound, maybe like 20 to 30 minutes away from the compound. We worked where we get to, you know, there was a hill, mountains where we did the training.
Q Which weapons did you shoot during that training?
A I shot with the pistol, AK-47, one piece of rocket launcher, grenade.

Q Did Zarein shoot the same weapon?
A He did.
Q What about Adis?
A Adis did the same thing except with that he had a chance to shoot one bazooka.
Q A bazooka, you said?
A Yes.
Q Now, at the end of this training, did you, Zarein and Adis make a decision as to whether or not you would conduct a martyrdom attack in the United States?
A We did.
Q What did you decide?
A After them coming back and forth, you know, telling us how important it is for us to go back and we got the training. And after, you know, my friends and I we start to have a little conversation on it. That, you know, they would keep saying how important it is for them to, you know, to have this because of all the drone strike, all the, you know, killing, all the air strikes, how pressure was on them.
So weekend after our training over, we came to the conclusion that, yeah, we should go back, you know. I think the reality shows that they are under very extreme situation.
Q When you saw they kept telling you how much pressure there was on them, who are you referring to?
A They were directly saying to themselves, like al-Qaeda,

but at the same time, they were also pointing to other groups, like Taliban and other groups. Everybody is under constant pressure.

Q What do you mean that they were under pressure because of drone strikes?

A We could see in Waziristan at night time and daytime, you see drones were flying on those areas. And we heard couple of times that there was a drone strike in which some others were killed, too, and they mentioned that such and such person died in a drone strike.

MR. NASEER: Objection.

A They show it to us --

THE COURT: Overruled.

Go ahead.

A They showed it to us that this is real.

BY MS. AHMAD:

Q Now, if you heard that Arabs were killed in Waziristan, what would your conclusion be as to what group that it belonged to?

A They say they were brother mean they're part of their group al-Qaeda.

Q Now, when you three decided that you would, in fact, return to U. S. And do a martyrdom operation, had you made any final decision as to a target of that operation?

A No. We -- our understanding was that we're going to go back and do the suicide mission, but the target was never finalized.

Q Did you communicate your decision to Hamad?

A We did.

Q What was his reaction?

A He was glad that we say yes.

Q Did he tell you that you would need to undertake any additional training in order to do that kind of operation?

A Yes, he did, he said that their group and their, you know, their al-Qaeda would provide us with the second training of explosive, how to make a bomb.

Q And did all three of you plan to attend that explosives training and learn how to make bombs?

A We wanted to attend all three us, but we had a situation with Adis that we decided that Adis, be better that he leaves now before his visa expires. So we end up with me, myself and Zarein that we're going to take the explosive training.

Q Why did you think it was better for Adis to leave before his visa expired?

A Because we want Adis to have like, the visa he had for a month and the ticket, he had it for a month. So he could go back on time. This way, there be less question in immigration, and from the law enforcement to suspect him of doing anything wrong.

Q So you and Zarein decided that you would go get the

training and he would go back?
A That's what we decided.
Q Now, did you ask Hamad to convey the fact that you decided to do a suicide operation in the U. S. To anybody else within al-Qaeda?
A We told Hamad that, yes, you could tell that to Abdul Hafeez we're okay with going back to the United States.
Q Did you eventually yourself discuss with Abdul Hafeez that fact?
A Yes, we did.
Q What did you say to Abdul Hafeez?
A I told Abdul Hafeez we're ready, we want to do, we want to go back to U. S. Meanwhile, we want Adis to go now. Myself and Zarein will attend the second training. But meanwhile, meantime we should go back to our families because it's been over close to a month, Zarein hasn't seen his wife and his family in Afghanistan and for me it's almost two weeks now in Waziristan, it's better that we go back to see our we wives and then later come back and he said, you know, that's a better plan and that's what we should do.
Q And what did he say in response to learning that you were willing to do a suicide operation in the U. S.?
A He was already told by Hamad that we are, you know, and when he came back to see us, he was happy and he was okay with our decision. But then the he said that the training would

be, you know, of explosives. I will arrange that for you guys later.

Q Now, of all the people you met in al-Qaeda up to this point, Abdul Hafeez, Hamad, Ibrahim and weapons trainer, what was your understanding of who was the highest ranking among them?

A My understanding was Abdul Hafeez was in charge of us, so he must be the highest ranking person. Of the other two guys, you just mentioned, Hamad and Ibrahim, I just didn't know what rank they have, but I knew they also have high ranking in al-Qaeda.

Q Why did you get the impression that Abdul Hafeez was the highest ranking?

A Because he was the one who was paying for the food. You know, taking us from one place to another place. Every time we were in Waziristan or in the compound, he's the one who's coming to get us and take us, you know, whichever way we, you know, he's directing his destination to. So that's why I notice him to be a, you know, high ranking and he was also called -- everybody was calling him Sheikh, meaning a respected words in arabic to a person. So I thought he must be the highest ranking.

Q What did Zahid -- what was your understanding of what Zahid's role was?

A I had two impression about Zahid. One, that I thought he's the messenger, you know, a guy that gives many message. He delivers it to whomever he -- they send him. And a second was that because he took us from Peshawar to Waziristan, I also thought of him to be a, you know, transport, you know, transporting people left and right.

Q Who did Zahid report to within al-Qaeda?

A He always say that he -- when I get to Waziristan, he said that I'm coming back to give the message to Abdul Hafeez. I know he's reporting to Abdul Hafeez.

Q Now, how long were you at the weapons training compound?

A I would say two, two weeks, a little maybe over.

Q And who came to pick you up from that compound and take you back?

A It was Abdul Hafeez and his driver, came and pick us up.

Q Was he -- I'm sorry. He was with his driver?

A Yes.

Q Was there anyone else with him?

A I don't remember if there was a third person or not, but the driver was definitely with him.

Q Where did Hafeez and his driver take you?

A They drop us very close to Bannu, but they were still in Waziristan. That area was still a part of Waziristan, but we were very close to Bannu. That's where we spend the night.

Q I'm going to show you Government Exhibit 801 again.

THE COURT: Your voice dropped. Could I hear it again?

MS. AHMAD: I'm going to show the witness Government Exhibit 801, which has previously been admitted.

BY MS. AHMAD:

Q Can you tell us where Bannu is on this map?

A A little --

Q Sorry. We'll erase those markings and make a new one. Okay. Well, is the arrow on top of Bannu there?

A That's Bannu.

Q If you were starting from Miramshah or around Miramshah where the weapons training compound was?

A The weapons compound was six hours from Miramshah, so we traveled that night from the compound to been Bannu, when we left from our training camp.

Q That what's with Abdul Hafeez?

A Yes.

Q Did he go on with you from there or did he leave you there?

A He left us with another in charge.

Q Now, before Abdul Hafeez left you, did you have any further conversations with him about your planned operation?

A Yes.

Q And what did you discuss?

A The discussion we had was that first of all they had a passport of my friend that I was asking him and he was asking him to, that if get his passport right now because we want him to go to U. S. Adis. And he said that Zahid has his passport and he will extend his visa and will get your passport on time. You know, in Peshawar, so he will come to get you there.

Second of all was that Adis should go back and he told you him just stay normal as you should be in U. S. And don't act like, you know, differently than you used to be and -- for us and he said that you and Zarein would be coming back, but for that, Zahid would give you a appointed date, that for on that date, you two will come back to Waziristan.

Q And so, Abdul Hafeez told you that Zahid would be a point of contact for arranging the further training?

A Yes.

Q Did he say anything else about Zahid?

A He said that Zahid would be the person that you guys would have a, you know, contact with. And then, he's the trust -- my trustworthy is him.

Q Now, you said that Zahid was going to bring Adis his passport. Why, did Zahid have Adis' passport?

A Because Adis had one month visa and we brought that issue with Hamad and we also had that topic or that conversation with Abdul Hafeez, that now that we want to go back to United States, we need we need Adis' passport back because he has his visa and he can't travel without his passport. So that is the reason why Abdul Hafeez took this is passport, to extend his visa.

Q Now, did you discuss with Abdul Hafeez anything that you would be giving to al-Qaeda?

A I told him when we were in Bannu, next to Bannu, I mean, that I told him that I did max out some credit cards because I wanted, you know, because I wasn't planning to go back to U. S.

So I have some of the money and I have some of the electronics that I brought with me. I said if there are interested in, you know, all those electronics and he said that he would be willing to get the electronics from me. But I can keep some of the cash that I have, keep it for myself.

Q Did you tell you how ask you should get the electronics to him?

A He said that that the person that is going to accompany us from Bannu to Peshawar, which his name was Asim, would be our guide who's going to give the electronics.

Q So did Asim, in fact, accompany you three to Bannu to Peshawar?

A He did.

Q What did you give him when he dropped you in Peshawar?

A I give him I believe two cameras and a laptop and some other maybe some small batteries and memory cards.

Q That was all intended for Abdul Hafeez and al-Qaeda?
A Yes.
Q Now, after you returned to Peshawar, what's the next time you saw Zahid?
A I saw Zahid maybe two days later.
Q What did you discuss with him at that meeting?
A We discussed that we are planning to go back to United States, and if you have Adis passport and he said yes, he has. So he handed his passport to us. And we also discussed about our planning back to Waziristan to get explosive training, me and Zarein. And we described the whole situation, how we're going to go forward from here on.
Q Did Zahid know why you were going back to the United States?
A Yes, he knew why we were going back to the United States.
Q And what date did you fix for him to pick you up for explosives training?
A I think it was like six weeks from that day we saw him, six, seven, between those, I don't know the exact date, but it was that kind of range of the time that we fixed the date and time that Zarein will come back from Afghanistan and then we go to Waziristan with him.
Q Was that the reason for the delay to allow Zarein to make the trip to Afghanistan?
A That's correct.

Q What did you do during that approximately six-week period?

A I just went with my normal life in Peshawar with my wife and family there.

Q Did Adis end up leaving for New York?

A Yes, he did.

Q Did he give you anything before he left?

A Yes, he did.

Q What did he give you?

A He had some money with him. Like we all took money with us from U. S. And when he was coming back to United States, he decided that he don't need the money no more because he's okay in the U. S. And he could work, too. So I could have the money and give it to Abdul Hafeez when I go back there.

Q Approximately how much money was it?

A He left a little over $3000.

Q What did you do with that money?

A I had that money with me in Peshawar until I give it to Zahid to give it to Abdul Hafeez.

Q Now, did Zarein, in fact, go to Afghanistan?

A Yes, he did.

Q What happened when Zahid returned to get to go for exclusive training, was that at the date you arranged six weeks later?

A Yes, it was. He came and he was asking about Zarein if he's here. And I told him he's not. So we waited a few more days. Zarein didn't show up again. And then eventually we decided or he decided that he's going to take me alone to Waziristan.

Q Did you know at that point why Zarein hadn't returned from Afghanistan for explosives training?

A I didn't know by then. I had no idea why he didn't come back.

Q And did anyone else accompany you and Zahid to the explosives training?

A From Peshawar to Waziristan, we're along with public transportation and Miramshah, Waziristan, Abdul Hafeez pick us up.

Q How did -- what form of public transportation did you take from Peshawar to Miramshah?

A There is called plain coach, which is a similar to 15 or 20 passenger van.

Q Plain coach, you said?

A Yes.

Q And did you have any discussions about al-Qaeda or the training you were going to receive while you were in that coach?

A No, we would not -- we were not talking about any explosive or anything in that public transportation.

Q Why not?

A Because it was not good for -- it's not -- even in Pakistan, Pakistan is similar like any other country, to talk openly about bombs or anything, you know, they have government, they have security forces. So we didn't want anybody to even hear us talk about any jihad or bombs.
Q Now, when you arrived in Miramshah, where did you go?
A I stayed in the store that -- the first time my trip, the Shokaib store. He met, we came and stopped there, and Zahid told me to stay there for some time until he returns.
Q Did Zahid tell you where he going when he dropped you at the store?
A He said he's going to look for Abdul Hafeez.
Q What happened next?
A I stayed there for maybe like two to three hours. Then Abdul Hafeez and Zahid, and a driver of Abdul Hafeez showed up and picked me up.
Q And where did you go from that store?
A The same direction at nighttime. Again, five to six hours of drive. And end up straight in a training compound, explosive training compound.
Q Was the explosives training compound the same as the weapons training compound you had previously been to or different?
A No, it was a different compound, different house.
Q Did you and Abdul Hafeez ever have any conversations

during that drive about your mission?
A Not in the drive, we had no conversation about anything to do with the plan.
Q So what did you talk about or listen to on that drive?
A We were listening to tapes. Mostly was all nasheeds, like religious songs, religious songs, spiritual, religious songs, then there are military nasheeds, military songs. That's what we were listening to.
Q Nasheed is the word for religious songs?
A Yes.
Q Some are spiritual and some are militant?
A I mean fighting.
MR. NASEER: Objection.
THE COURT: Objection is?
MR. NASEER: Leading.
THE COURT: Overruled.
Go ahead.
BY MS. AHMAD:
Q What type of nasheeds amongst those two types were you listening to primarily on the drive to the explosives training compound?
A There was that nasheeds were more using the videos of fighting, situation fighting nasheeds.
Q What language are those nasheeds in?
A A lot of them were in Arabic and some them were in

Pashto.
Q Can you describe the explosives training compound you eventually arrived in?
A The compound was similar to the compound we got training for weapons, again, like three rooms in one row, a yard and an extension of guesthouse, two rooms with tall walls.
Q Did Zahid and Abdul Hafeez stay with you there or did they just drop you off and leave?
A They all left. They dropped me just there.
Q Did you have any final conversations with Abdul Hafeez when he dropped you off about what would happen next?
A Yeah, he said that I just do whatever they teach me to do. And there are some guys that I'm not -- that I still I don't have to reveal my name and my place where I'm from, and he would also send Hamad to the compound and he would talk to me further.
Q He told you not to reveal your name or where you're from to whom?
A To the guys who was going to give me training of explosive.
Q What was your expectation regarding how long the explosives training was going to last?
A I thought of it that it would be less than two weeks. That's it.
Q Now, who were the al-Qaeda members you met at the

explosives training compound?
A There was three guys including an additional two or three guys was Hamad, I met Jahangir, Muhammad, Younis.
Q Jahangir, Muhammad and Younis?
A Yes.
Q Starting with Jahangir, is that his real name?
A No.
Q Can you describe him for us?
A My height, Arab, long hair, beard. Spoke English and also Arabic, and that's about it.
Q What was his role at the compound?
A He said that he's in charge of those three guys of that compound.
Q And what about Muhammad? Can you describe him for us?
A Yes. Muhammad about five-seven, from -- it looked like he was from the south Indian continent, and had a very long hair, dark skin color.
Q What was his role at the compound?
A Muhammad was actually the one who taught me the whole process of explosive, how to make a bomb.
Q And what about Younis, can you describe him?
A Yeah, Younis, about the same height, from the same area, same complexion of color. He had long hair too and a beard, long beard, and, you know, he spoke a little bit English and had a different language they were speaking.

Q He was the same -- from the same area, had the same complexion as who?
A Of Muhammad.
Q And what was Younis' role?
A To my knowledge, he was experimenting his own weapons how to make, you know, bomb. He was trying to get better in his skills.
Q Now, were there any other students at this explosives training course other than yourself?
A No.
Q And was it your understanding that that was by design or that was just coincidental?
MR. NASEER: Objection.
THE COURT: Sustained.
BY MS. AHMAD:
Q Do you -- did anyone in al-Qaeda explain to you why you were the only individual in the explosives training course at this time?
A Yes, he said that that training is just for me, I'm getting alone that training, not with somebody else.
Q Did he explain to you why that was -- sorry. Who are we talking about when you said he?
A Abdul Hafeez said that this whole thing is for me, and not like they're there because of me, but the training that was going to be -- I'm going to be alone and I'm just going to

get the training by myself with these guys.
Q Now, what kind of setting was this training provided in?
A Very simple like we were doing all the learning process. Was all we were doing in a room. Normal living room.
Q And did you take notes during the training?
A I did.
Q Where did you take notes?
A I had a notebook with me, and I took my notes in that notebook.
Q Who began the training?
A Jahangir started the training, but then by midday after the lunch, it was all Muhammad that -- from then on, he was the one who was doing it.
Q What did Jahangir teaching you during his course?
A He was just giving me the instruction how to start, you know, the -- how to start the process, mean like safety stuff, the safety precaution you need goggles, you need gloves, you need an area, you need chemicals from -- you know, separate from each other, stuff like that.
Q And then it was Muhammad who provided the main explosives training?
A Yes. He started again from beginning. So actually he -- he went through everything.
Q Now, I'd like to talk to you generally about what you learned during these explosives training that Muhammad

provided to you.

Can you tell us first what you learned in the main component of a bomb are?

A Yeah. The -- he have said that there are few steps like, for example, how to make a detonator and what kind of chemical you need, then the bomb itself. What kind chemical you need, how to make it, the ball bearing or nails or other metal stuff that for the casualty purpose, and the electronics that you need to connect, you know, these wires, and batteries.

Q Let's start with the detonator, what is a detonator?

A He said the detonator is a small explosive piece that detonates the main bomb, which for the main bomb to explode, you need a detonator.

Q What is the main bomb?

A The main bomb, the main explosive is the bomb itself that does the damage, that does the blast.

Q Okay. And you also mentioned ball bearings, what role do ball baring play in a bomb?

A Muhammad say that ball bearings is for human casualty.

Q How do ball bearings serve to cause human casualty?

A He said when you put ball bearings, that the bomb pushes the ball bearings towards the target which acts like bullets, that penetrates human body.

Q You talked about electronics, what electronics go into a bomb?

A Like wire, light bulb, batteries. Those are electronic.
Q What is the purpose of the light bulb?
A The light bulb is what explodes the detonator.
Q And what kind of light bulb do you need to use to explode a detonator?
A The smallest light bulb I can find which would be, the perfect one would be Christmas lights that are very small. And the detonator itself is a small piece. He said that's the perfect bulb.
Q Now, were you taught to actually make detonators during this course?
A Yes.
Q Which detonators were you taught to make?
A I was taught two different kind of detonators. One is called as acetone peroxide detonator and the second one is hexamine peroxide detonator.
Q What are the ingredients of an acetone peroxide detonator?
A For acetone you need the acetone itself, hydrogen peroxide, hydrochloric acid and baking soda with water for cooling purpose.
Q Were you taught where you could obtain the ingredients in the U. S.?
A Yes. I was told where to get.
Q Starting with acetone, where were you taught you could

buy acetone?
A You could find that in a hair salon or you could find it in a beauty supply stores that they sell easily those two clean their nails polish.
Q So acetone is an ingredient in nail polish remover?
A Yes.
Q What kind of stores were you thought that you could find hydrogen peroxide?
A I was told that you could find it in a pharmacy, you could find it in a beauty salon, you could find it in a beauty supply store like this.
Q And do you understand what hydrogen peroxide is used for by beauty supply store customers?
A They told me what it was used for. I believe they say it's used to, you know, if you have a color on your hairs, to clean your hairs with it.
Q And what about hydrochloric acid, where were you taught you could find that in the U. S.?
A They say in a hardware store.
Q What kind of product is hydrochloric acid found in?
A I don't remember what exactly they told me it's used for. I think I had an idea that it's used for like cleaning toilets and stuff.
Q And what was the purpose of baking soda in this detonator?

A They told me that this use two different purpose. One is to if there were chemicals touchings your skin, you clean that with, like, you know, to clean your -- the chemicals. And another, they told me that it's used to cool down the temperature of the chemicals that when you mix it, the temperature rises. So you cool it down in that water.
Q Now, going back to the hydrogen peroxide for a moment, were you taught that you needed a certain concentration of hydrogen peroxide in order to build a detonator?
A Yes.
Q What concentration is that?
A I believe it's from 25 to 30 percent or from 20 to 30 percent you need the concentration for that.
Q Could you buy that -- if you could not find hydrogen peroxide at that concentration, what could you do to procure it?
A He showed me that how to increase the concentration by boiling the hydrogen peroxide, you know, take out the water from it. The more water you take out, the higher the concentration.
Q What do you mean by he?
A Muhammad.
Q Can you walk us generally through the process of building an acetone peroxide detonator with these ingredients?
A What I was told is that when you take ten milligrams of

acetone, ten milligrams of hydrogen peroxide, and then ten milligram of hydrochloric acid, you mix them slowly, slowly, you know, slowly, slowly to the point that it becomes a little hard liquid, you know, and then you dried it up to become solid powder.

Q How would you package that powder?

A To keep it stored, you need it in a glass bottle with a cap tight, and if you trying to put in a detonator, then you need a piece of hard pepper, pepper, roll it like a cigarette and then you close one side. And put the powder in that thing you make.

Q How would you attach that to rest of the bomb?

A Well, what he showed me was that you connect the light bulb into the detonator, that to the battery, and the piece, the detonator piece to the main bomb and you stick it in the main bomb.

Q The light bulb is a Christmas light bulb you were talking about earlier?

A Yes.

Q You said you were taught to make another detonator, I think it was hexamine peroxide?

A Yes.

Q Were you taught that that detonator was easier to make or harder to make than acetone peroxide?

A They were both were easy, but it just had a little longer process to makes hexamine peroxide, the drying it and mixing it was a little harder I would say.

Q Moving on from detonators, let's talk about the main charge or the main bomb that you mentioned earlier. How many different types of main bombs were you -- did you either make yourself during this training or observe others make during this training?

A I saw two made by Younis, and I was shown like I participate in making it with Muhammad, two. So that's two and two.

Q What are the two types of main bombs that you yourself made during the training?

A Me and Muhammad made one was hydrogen peroxide bomb and the isn't was flour and ghee bomb, hard oil.

Q So the hydrogen peroxide bomb, what are the main ingredients in that?

A Which one you say?

Q Hydrogen peroxide bomb?

A The hydrogen peroxide bomb is the hydrogen peroxide itself. And the second ingredient is flour that you need to mix with.

Q What concentration of hydrogen peroxide did you need to make a hydrogen peroxide box?

A I was told that you need 80 to 90 percent concentration.

Q How did that compare to the concentration that was

required for the hydrogen peroxide that's used to make a detonator?
A There's a difference in concentration. One is a lower concentration, much lower, and the other one is three times higher concentration.
Q Which one is higher?
A The hydrogen peroxide, the main bomb.
Q And now you mentioned the other bomb that you yourself made with flour and ghee, can you tell us what ghee is?
A Ghee is, you know, in Pakistan we use it a lot, but in America everybody use just liquid oil for cooking. Ghee is a hard oil. The concentrated oil.
Q Now, were you taught, were you told that either of these bombs had previously been used in successful al-Qaeda attacks?
A Muhammad pointed towards the London bombing, that the guys in London used the same hydrogen peroxide bomb.
Q What were the two bombs that you observed Younis make making during training?
A I don't recall the names and how exactly the whole process went, but I, what I saw was that one of them, one of them was that he mixed two chemicals, two or three chemicals, and put in a plastic bag. And then he tied the plastic bag, shook it and it turned into a crystal -- like crystal kind. And the second one was that he was telling me that this is like bomb from -- the chemicals taste like spices, you know,

and even he made me taste a little bit, it tasted like he used spices for cooking. He said this -- I call it spice bomb. So I exactly don't know the name of it.
Q So one was a spice bomb and the other bomb that turned to crystal, do you remember any of the chemical ingredients that were part of it?
A He called it some kind of nitrate bomb. And he probably mentioned the names, but because I had nothing to do with his work, he was not my, like the instructor. I really didn't pay attention or took any notes from his bomb. I knew he was trying to make his skills better because he was doing for his skills to be better in those bombs. So those are much advanced bombs from mine.
Q Did any of these bombs have a particular Pashtu name?
A When I spoke to Zahid, later on in Peshawar, he mentioned that the flour and ghee bombs sounds, like he mentioned something about hadeen bomb. It's called hadeen bombs. That's what it's recalled.
Q What does hadeen mean in Pashtu?
A Hata is basically first to call mud.
Q What does it mean?
A Mud.
Q Mud or muddy?
A Yeah.
Q All right. Now, I would like to talk to you about how

these bombs would be packaged once they were constructed. So, starting first with the hydrogen peroxide bomb. What form did that take once it was made?
A It turned into a liquid form.
Q And how were you taught to package that liquid bomb?
A It is a simple thing. You into need a two liter soda bottle, plastic soda bottle, and you just mix it in the soda bottle and put the detonator in it, that's it.
Q And how would you carry that soda bottle around to the site of your attack?
A He give indication of two different kind I could do, book bag or he showed me a simple carton that they made like a shirt, but a nice big pocket in front of it, which you just put it into those pockets with holes in it -- to for the wires.
Q So this shirt, was it something you could buy ready made or something you had to sew?
A No. The way it looked like that was a simple made sewing by them.
Q What was sewn on to the shirt?
A Sewn on --
Q What was different between the shirt you saw and the typical shirt you buy in a store?
A A typical shirt is a shirt that has no pocket in front of it which would hold the bomb.

Q And this shirt that you were taught did have that pocket?
A It had a pocket in front of it, like they call it waist coat. It was like, you know, something that was could hold a bomb or could hold anything you put it in.
Q A wast coat you said?
A Yes.
Q What material was the waist coat you were taught to make made out of?
A It was normal cotton cloth. It was nothing fancy.
Q And you said that the wiring would also be a part of that waist coat, can you explain how the wiring would fit in?
A He showed that the, it had a like three or four pockets with the two pockets on each side for the wires to connect it to the batteries. So whichever side do you want, so, you know, it was like very simple pocket with four holes in it.
Q Now, what about the flour and ghee bomb, what form did that take once it was completed?
A That, the form was it was solid. It turned into like a dough, like a hard dough like you're making, like trying to make cake or bread, hard, you know.
Q And how would that then best be packaged?
A He showed me how to make a nice square hard press, you know, once the dough is mixed. And then wrap it up in a plastic.
Q And how would you transport that to the site of your

attack?
A He showed me how to put it, the rest of it then you use it in the backpack.
Q You talked earlier about adding ball bearings to a bomb to increase casualties. How would you include ball bearings in the two bombs you described to us?
A I saw him, you know, show me already made ball bearing and then he showed me the loose ball bearings, he said that when you put ball bearings like flat and make them like not one plate, then you use glue to connect them. And just put in front of the bomb for the casualty purpose.

(Continued on the next page.)

EXAMINATION BY
MS. AHMAD:
(Continuing.)
Q So you would buy loose ball bearings and do what exactly with them?
A To connect, like, put them together and glue them and just put it in front of the bomb.
Q Now, these four bombs, did you have to detonate -- when you exploded them or detonated them, would you have to do it manually or were you taught to do it by remote control?
A It was manually, that I was shown how to do it.
Q Did you have an understanding as to why you were taught these four bombs as opposed to any others?
A I would say the two bombs the other two bombs was not part of my experiment. Those two bombs were for the purpose of -- it was that I would, you know, me and my friend would put it in our -- to our body and then press the body so it would be used for a suicide operation.
Q Were you taught that those two bombs that you made yourself had any advantage over other types of bombs for your purposes?
A Yes. The advantage of it is that the chemicals of those are easy and in everywhere to find it. So to go and look for chemicals, like, you just buying to normally simply from simple stores.

Q Did you ever have any discussions with Mohammed about car bombs?
A We talked about car bombs, that how car bombs are. And car bombs are higher in learning process, meaning, it's not easy and you need advanced knowledge for that.
Q Now, did you ever test the bombs you built while you were in the explosive training course?
A Yes.
Q Where did you go to test them?
A We went outside to a mountain area and there we actually explode those two bombs.
Q And how many bombs did you explode that day?
A I pressed the button of two of the bombs.
Q And were other bombs exploded that day?
A Yes. Younis made some experimental bombs that he did himself.
Q Who all was there that day that you tested these four bombs?
A Those three guys in the compound John, Mohammed, Younis, myself. Hamad showed up that day and Pakistani driver from local Waziristan who came to take us to the mountain.
Q Can you describe the explosion that resulted when you detonated your hydrogen peroxide bomb?
A The bomb was probably about two pounds and it had an explosion, big boom. Sounded like, you know, a blast and it

had a -- we were 50, 40 yards away. It gives us the shockwave and it damaged the big stone that we put it underneath of it.

THE COURT: I'm sorry, damaged what?

THE WITNESS: The stone, the rock. The rock I mean.

Q What do you mean by shockwave?

A You know, it had a shockwave, like, you feel like the air come upon you.

Q And you were how far away when you felt that?

A 30 to 40 yards away.

Q Can you describe the explosion that resulted when you detonated your flower and ghee oil bomb?

A It was a similar owe. Maybe a little. Maybe five percent bigger blast than the first one.

Q And did Younis also detonate his two bombs?

A Yes, he did.

Q Were those detonations successful?

A Yes.

Q Now, what was Mohammed doing while and you Younis detonated your bombs?

A It was like 40 to 50 yards on top of the mountain recording the whole process.

Q Recording it how?

A By camera, video camera.

Q And was your face covered or uncovered while Mohammed was recording it?

A My face was uncovered.
Q Was anyone else there at the time?
A Yeah. I mean, John was with me, his face was covered with me. And he was wearing a black cover mask. And the other guys were. Younis came in camera, he covered his face, too, so that's about it.
Q Now, while you were at the explosives training compound, did you ever see Hamad?
A Yes.
Q Approximately how many times?
A Two times.
Q What did you discuss with Hamad when you saw him?
A The first time he came for greeting, and the second time we discussed few things such as the making videos of our farewell videos, the plan of attack, the timing of attack, and the area where we're going to do it and how it, you know, go with the process.
Q What do you mean by "farewell videos"?
A He told me to give a speech, like, your martyrdom, farewell speech. Like, you're leaving a message to the world and to the United States and similar videos from my friends in America.
Q Now, is it your understanding that this was standard practice within al-Qaeda, or is this something special that Hamad wanted you to do?

A To my understanding this was, like, the protocol of every person. I'm not going to say every person but people who are doing a martyrdom operation that they give them a video taping or make them a video to give a message and why he did it.
Q And when would that video be released typically?
A I asked him that. I'm worrying about the safety of the video. He said that do not worry about it, the video will be safe, and they have a safe location that they will keep the video until the operation or the suicide mission is done then they're going to release the video.
Q Now, did you, in fact, make a farewell video with Hamad?
A I end up making one which, you know, I wasn't prepared for it nor had in my mind that I was going to make one.
Q But you did end up making one?
A Yes.
Q And what did you say -- who filmed the video?
A He filmed the video.
Q And what was the setting for it? Where were you standing and what were you wearing?
A I was wearing normal clothes, traditional clothes from that area. He let me have AK-47 and a flag behind hanging on a wall and sitting next to the wall and he put the camera and start recording.
Q Now, who prepared what you would say during that video?
A When he asked me that day when we were planning to go and

actually practice the bombs he asked me that I should give a speech and I ask him that I'm not prepared for the speech. I haven't -- there's nothing in my mind to, you know, give what kind of speech.

So we eventually decided that I told him that you write a speech for me and, yeah, I'm going to make later my own video. But out here, you just give me a speech and I will go over your speech whatever you write in it.

Q Did you deliver that speech for the camera?

A Yes.

Q And what generally did that speech talk about?

A That talked about the U.S. aggression, the U.S. involvement in Afghanistan and Iraq. The revenge for what they did in Iraq to the prisoners and to one of the lady in Iraq that was captured by the U.S. and was raped, too. I mentioned her name in it, it was written, and the message to the United States was basically.

Q And who kept that video after you filmed it?

A He took the camera then he gave the camera to John so we could take it outside.

Q Where did Hamad tell you the video will be stored?

A He said he had a safe location. So I don't know where that location is.

Q And what was the plan for when the video would be released?

A Like I said, in the conversation to me that this video will not be released until you went through the actual bomb suicide mission.
Q Now, did you have further conversations with Hamad about your suicide mission?
A Yes, we did.
Q Did you discuss the timing of the attack?
A He said that that he needs to give -- I need to do this, like, the earliest I can. Like, in 2009, the earliest I can to send a message to the new president so he made me show that I did with it quickly.
Q And who was the new president you were sending a message to?
A I knew then and he knew, too, that the new president was elected in United States and that would be President Barak Obama.
Q And you had this discussion with Hamad after the election occurred the presidential election had occurred in the United States?
A Yes.
Q But it was still in 2008?
A Yes.
Q And why did Hamad say that they wanted to send a message to president Obama?
A Because he want the U.S. to reconsider their whole war in

Afghanistan and Iraq and let the Muslim world free from U.S. occupation.

Q Now, did you discuss with Hamad, did you have any further discussion was him about the actual target of our attack or when that target would be finalized?

A No, not the targets but he told me that my video was not the only video, that he needs he also needs the videos of my friends and the attack would be more about six with the other guy, Zahid, and Adbul Hafeez. Those would be the main guys who will give me the targets if there is going to be a potential target. So my contacts would be later on with Zahid not with Hamad.

Q I see.

So Hamad told you he decided who your point of contact would be?

A Abdul Hafeez, yes.

Q And when you said your friends also had to make videos, which friends are you talking about?

A He asked me of Adis and Zarein Admedzay.

Q He asked you to make a farewell martyrdom video?

A Yes.

Q Now, did you have any discussion was Hamad about your explosives training?

A Yeah, I told him that my training was okay. I got what I need and he just said that, you know, just it's easier just do

it in a safe location. You could use your own apartment if you have a secure room. So just go with it the way he taught you how to make it.
Q So when you said when Hamad said, just do it in a safe location he meant do what?
A Make the bomb. Make the bomb in a safe location. I don't need big lab or a big area. You know, he just told me that you just need a place with ventilation. That venting.
Q Ventilation?
A Yeah. And a place where a stove is present. Stove so you could increase the concentration or decrease the concentration.
Q Now, how long were you at this explosives training approximately?
A A little over a week.
Q When you were ready to leave, who did you inform?
A I informed Hamad. When Hamad came, I told him that go tell Adbul Hafeez that he should come and pick me up.
Q Did Adbul Hafeez be immediately after you gave that message to Hamad?
A He took a few days.
Q Did you grow impatient over those few days?
A Yeah. The training was over, he knew. Went again on the training so I kind of went in and was a little impatient. I wanted to go back to my family.

Q So was there a reason that you wanted to return back to your family?

A Yes. The first time when we went to the training we met and excused our family that we never went to Afghanistan or Waziristan. We never got any Jihadi or military weapons or any kind of training.

So we made some excuses and I didn't want any of my family or friends to know again that I'm gone for over a week or two weeks now for them to find out that, you know, I'm not at home.

So I kind of went a little impatient there. So I want to go back to not have any suspicions of my family.

Q When you were originally planning to join the Taliban, did you tell your family in Pakistan that you were planning to join the Taliban?

A Yes, I did.

Q When you joined al-Qaeda instead, did you tell them that you had joined al-Qaeda?

A No, I did not.

Q Why not?

A The reason behind this is that al-Qaeda is not welcome in, you know, anywhere in the country of Pakistan.

MR. NASEER: Objection.

THE COURT: Go ahead. Overruled.

A They are not welcome in Pakistan. They are, like, the police will treat them like any other criminal organization or something. They will arrest them; and so, to me, it was al-Qaeda was like the group that you don't want to join. But once you join, you have to keep it secret because it's not welcome over there in that area.

Q Now, as you were waiting for Adbul Hafeez to come pick you up from your explosives training, did you express your impatience to anyone at the compound?

A I told Mohammed that I said Adbul Hafeez is not showing, I don't know what happened. I already told him Hamad that he should come and pick me up.

Q What did Hamad say in response?

A He was giving me, you know, to -- he said be patient, you're not the only person who comes for training and then leaves. There are many people comes from other countries like Europe --

MR. NASEER: Objection.

A -- and West that they come and get training and then they leave --

THE COURT: Overruled.

A -- and nothing happens to them.

THE COURT: Okay. Go ahead.

Next question, please.

Q So, Mohammed, did Mohammed tell you how long he, himself, had been at the compound?

A Yes, he did.
Q How long had he been there?
A He said -- in that compound, he said that he hasn't left the compound for over three months now. But he said that he's with al-Qaeda, approximately, two years.
Q And did Mohammed tell you whether or not he trained other people while he'd been with al-Qaeda?
A No, he did not say exactly that he trained other people. He just said that other people comes here.
Q Had Mohammed personally observed other people coming for training to that compound?
A I do not recall if he said like that. He just mentioned that, be patient, you're not the only one comes from other countries that leaves back, you know.
Q Okay. Now did Abdul Hafeez come to pick you up?
A Yes, he did.
Q And did he come along or with others?
A No, he came with his driver.
Q And what happened when he arrived?
A He arrived at nighttime and told me to pack up. Let's go.
Q And where did you go with him?
A He took me from that compound to Miramshah, the center, the City of Miramshah in Waziristan.
Q Did you have any discussion was him about what would

happen next?
A Yes, I did. I had some conversation with him.
Q And what did you discuss?
A We talked few things. One thing that we talk about was that Zahid would be my main communication person in Pakistan when I'm in the U.S. The only contact that I'm going to have with him that was one thing.

Second thing, I talked to him about the money that Adis left for me and some of the electronics that still I have that I need to give it to them. And that was second thing.

And the third thing was that when I go back to the United States, I make sure that we make videos.
Q Who makes videos?
A Myself and my two friends.
Q And whether or not you to transmit those videos to once you made them?
A He clearly said that I would have that contact with Zahid.
Q Adbul Hafeez said that?
A Yes.
Q Now, why did Adbul Hafeez say that Zahid would be the point of contact?
A He said you can't call me in Waziristan because we don't have direct communication and Peshawar is a city and they have a telephone system and he is main guy there, my main contact

that any time I have any issues I would have with him.
Q Did you ever observe anyone in Waziristan on the Internet?
A No, I did not.
Q And why was that?
A I did not see any Internet café so I have no idea that there was Internet there or not.
Q What about Peshawar? Was there Internet access in Peshawar?
A Yes, there was.
Q And were there Internet cafés there?
A Yes.
Q And speaking of telephone communication, did you observe al-Qaeda members using the telephone in Waziristan?
A No, I observed that they didn't have no telephones with them.
Q Did they explain to you why not, why they didn't use the telephone there?
A Yes. They say that they don't use, like, electronics such as telephone for the purpose of it is not to be targeted by U.S. so they don't use that kind of communication system.
Q Did you observe al-Qaeda members using telephones in Peshawar?
A I saw Zahid had a phone with him. So, yes, I saw Zahid had a phone with him.

Q Did you have any discussion with Abdul Hafeez before he left you regarding the timing of your attack?
A He said the same thing Hamad said that if I can do it, like, quickly.
Q And any further discussions regarding the target?
A No, the target was not mentioned with him. I never mentioned targets with him.
Q Now, Abdul Hafeez took you from the explosives training compound to Miramshah?
A Yes.
Q And where did you go from there?
A I took the public transportation, the same van of -- passenger van -- direct from Miramshah to Peshawar.
Q Did you make that journey alone or with others?
A I personally took it alone but there was other public, other people that I did not know.
Q Now, when you get -- when you got back to Peshawar, did you still have the notes you had taken during your bomb making course?
A Yes, I did.
Q What did you do with those notes?
A What I did was that I had those notes with me and I decided that I'm going to copy those -- copy different notes which would be brief notes of the notebook that I had. So I copied the notes that I needed for myself to different

notebook or different piece of papers.
Q What did you do with the original notebook?
A I had it and then eventually I gave it to my friend, Zarein.
Q And what did you do with the shortened version that you copied?
A I did kept it, too, but at the same time I also used it for my e-mails. I had e-mails that I created and what I can was I scanned those notes into my e-mails.
Q Now, before you traveled to Pakistan in 2008, did you have any e-mail accounts?
A Yes.
Q And did you use those e-mail accounts?
A No, I did not use those e-mails. I made new kind of e-mails.
Q So the e-mail accounts that you had before you travelled to Pakistan, were you using them when you were still in the U.S. before you left?
A Yes.
Q And what were those e-mail accounts?
A Those were -- you mean the name of my accounts?
Q Yes?
A Njbzazi@yahoo.com and zazmjhd@yahoo.com.
Q You created new e-mail accounts when you got to Peshawar?
A Yes.

Q Did you create those after the explosives training or before?
A No, after the explosives training.
Q And why did you create a new e-mail account to send your bomb making notes to rather than use the ones you already had?
A I wanted to make those e-mails that they're not belonging to me. So if I ever open it, it will be like one times or two times and then done with it so I will never be caught with it.
Q I would like to show you some exhibits that have been marked for identification beginning with Government Exhibit 513.
(The above-referred to exhibit was published to the jury.)
Q I'm showing you again Government Exhibit 513, Mr. Zazi.
Do you recognize the e-mail account mentioned here?
A Yes.
Q Does that belong to you?
A Yes, it does.
Q And is this a subscriber information that you filled out for that account?
A Yes.
Q And I'm showing you now Government Exhibit 517.
Can you tell me what this is?
A These are my, these are my mails that I have created myself.

Q And is this a subscriber information for that other account?
A Yes.
Q And finally, I'd like to show you what's been marked as Government Exhibit 511.
Can you tell us what this is?
A This is one of the e-mails that I created in Peshawar Pakistan in 2008.
Q Okay. And is this a subscriber information for that?
A Yes, it is.
MS. AHMAD: Your Honor, the Government would move to admit Exhibits 513, 517, and 511.
THE COURT: Any objection?
MR. NASEER: Yes, sir.
THE COURT: Any objection? Relevance? Is that the objection?
MR. NASEER: The authenticity of the documents. Somebody from the Yahoo can actually authenticate the document.
THE COURT: Well, certainly, this witness can do that as well. The objection is overruled. 511, 513, and 517 are now in evidence.
(Government's Exhibits 511, 513, and 517 were received in evidence as of this date.)
MS. AHMAD: Thank you, your Honor. May I publish

them to the jury.

THE COURT: Go ahead.

(The above-referred to exhibit was published to the jury.)

EXAMINATION BY

MS. AHMAD:

(Continuing.)

Q I'm showing you first, Mr. Zazi, Exhibit 513. Can you read the e-mail?

THE COURT: Is there any way -- is it me or is it blurry?

I have little secret for you folks. In the arm rests between you, you opened them up there's another screen, pick it up. That might help you decipher it and it might just be. Okay sorry to interrupt.

Go ahead.

EXAMINATION BY

MS. AHMAD:

(Continuing.)

Q Mr. Zazi, can you read this e-mail account for us?

A NJBZAZ@yahoo.

Q What does stand for?

A NJB is short for Najib. And ZAZ is a little shorter for Zazi.

Q And can you read the subscriber name for this account?

A It's Najib Zazi.
Q Is that?
A That's my name.
Q Now did you create this account referenced in 513 defendant you left for Pakistan in 2008?
A Yes.
Q Was this one of the ones you regularly used?
A This one, yes.
Q I'm showing you next what's been marked as Government Exhibit 517.
Can you read this e-mail account for us?
A This one is najibzazi@yahoo.com.
Q And the subscriber name given here is Najib Zazi?
Is this also an account you had before you left for Pakistan?
A Yes.
Q Did you use either of these accounts to send your explosive notes to?
A No, I did not.
Q I'm showing you now Government Exhibit 511.
Can you read this e-mail account name for us?
A Zazmjhd@yahoo.com.
Q What does this stand for?
A ZAZ is short for my last name. And MJD is a shorter version of Mujahideen.

Q Remind us what that means?
A A fighter.
Q And did you create this e-mail account, Mujahideen, in Pakistan or did you have to before you went there?
A I did create this in Pakistan.
Q And subscriber name Kado Khan. Is that your real name?
A No, it's not.
Q Now, I'd like to show just the witness what's been marked as Government Exhibit 514.

(The above-referred to exhibit was published to the jury.)

Q Now, Mr. Zazi, this exhibit is ten pages long I'm just going to quickly flip through those pages for you so you can tell us if you recognize what this document is, okay?
A Okay.
Q This is the cover page. Do you recognize this document, Mr. Zazi?
A Yes, I do.
Q What is it?
A These are the notes that I took from any original notebook in Waziristan. In Peshawar, I took -- this is a brief version of my original notebook and these are the same notes that I sent through Internet café from his computer to my e-mails.
Q Did you wrote those notes yourself?

A I did.

MS. AHMAD: Your Honor, the Government would move to admit Exhibit 514.

THE COURT: Any objection?

MR. NASEER: Yes, sir, as to relevance.

THE COURT: Objection is overruled. Received 514 in evidence.

(Government's Exhibit 514 was received in evidence as of this date.)

MS. AHMAD: May I publish it to the jury, your Honor.

THE COURT: Go ahead.

(The above-referred to exhibit was published to the jury.)

EXAMINATION BY
MS. AHMAD:
(Continuing.)

Q Before we get to the attachment, Mr. Zazi, this e-mail if you look at the bottom caption to indicates that the document the e-mail was went from Adbul Zuckermal to NJBMJHD and then to ZAZMJHD?

A Yes.

Q Who is ZAZMJHD?

A That's the e-mail that I created and stands for Zazi Mujahid at hotmail.com.

Q Who is Abdellah Zuckermal?
A It's the person who was working in that Internet café. I don't know him.
Q And what date was this e-mail sent on?
A I believe it says December 3, 2008.
Q And why did the Internet café person e-mail your notes to you?
A Because he had the scanner that I paid for each note, like, 10 Rupees so he basically had the scanner.
Q Okay.
So he scanned it and then sent to to you?
A Yes.
Q Was he aware of what these notes were?
A No, I told him not to look at my notes.
Q Okay.
Now, I'd like to discuss with you briefly the notes themselves.
Is this your handwriting?
A Yes, it is.
Q Now, I'm on Page 2 of this exhibit and there is a reference?
THE COURT: Page 2 of Exhibit 514.
MS. AHMAD: Yes, your Honor.
THE COURT: Okay.
Q And there is a reference to diacetone peroxide. What is

that?
A That's the acetone peroxide detonator construction.
Q And what is the asterisk which says only three months. What does that mean?
A Means that if you once it's made and dry it lasts good for three months.
Q Okay. Going to Page 3 of Exhibit 514.
I direct your attention to the reference to acetone in the middle of the page. When it says use for nail polishing. What does that mean?
A I just wrote this for my future understanding that where I could find the product in area where, you know, hair color remover, like, stores where you could find, you know, stuff like that.
Q Now, underneath that there is my reference to H_2O_2?
A That actually stands for hydrogen peroxide.
Q And I think next to that it says, "Pharmacy to clean wounds."
What does that mean?
A I was told that I could find it in a pharmacy but it would be a very low concentration which I put that if I'm going to look in pharmacy I could find up to seven percent.
Q So the reference to two to seven percent next to that line means the concentration of hydrogen peroxide?
A Yes.

Q And underneath that it says, "Hair color salon, 20 to 30 percent."

What does that mean?

A I was told that, you know, if I go to a hair color salon I could find hydrogen peroxide in a concentration from 20 to 30 percent. So that's why I wrote that down here.

Q Okay. Now, at the bottom of this page, Mr. Zazi, and I think we're still on Page 2, there says sensitive matter and underneath to says fire explode, electric shock, and then knocking infliction.

What does that mean?

A You mean all three?

Q Yes. If you could just explain them to us?

A I was told that the acetone peroxide or acetone detonator can be explode or, you know, by three things, like, fire, if you put a match to it, it will explode it; electric shock would explode that material because it's sensitive; and knocking, friction, whatever it is, I forgot what was that about.

Q I'm turning now to Page 6 of this same exhibit.

Directing your attention to the middle of the page where it says mixture requirements for explosive to blow?

A Yes.

Q Can you tell us what this section of your notes discuss us?

A This discussed each chemical how when you're making it, how you mix it, and what you should do. Like, for example, one is grind separately very well. I was told if you take flour, make sure that flour is grinded very well like nice and smooth and, you know, to the most, like, not to be pieces in it. You know, everything has to be equal. So that's what it means.

Even hydrogen peroxide itself has to be nice and liquid. It should not have bubbles or hard pieces in it. So you need to grind it well.

Q Okay.

At the bottom of the page, next to the number nine. There is a reference to use the detonator at last as you can before operation.

What does that mean?

A Because detonator explodes the bomb. I was told not to put it until the bomb is ready and you are about to go and commit the suicide. So then that's when you try to connect those two together.

Q Okay.

Now, directing your attention to Page 10 of your notes which is Exhibit 514. This page is captioned "H_2O_2." And, again, what does that mean?

A From where do you want me to start.

Q Tell us again what is H_2O_2?

A That's hydrogen peroxide.
Q Okay?
A The hydrogen peroxide bomb itself.
Q And again can you explain the numbered instructions that come underneath that heading?
A One to concentrate area should be opened which means that when you boil it, it has a smell and it has a chemical scent that has to go out ventilation system. When you store it, the container should always be dark because of the sunlight.

I was told that if it's in a bright thing, you know, if it's opened to sun, sun might give that light might explode it. So I was told that if that's the case the container should be dark.

And the three is the cap should have a small hole in the bottle which means that the two-liter bottle sort of already has a hole on top so that's the thing what it means here. Try best to concentrate before operation.

The fourth meaning is that when the time is nearby, like, you are about to do it that's when you need to mix it, you know, because you don't want to have it more than two or three days because then it would not work.

Check the concentration before mixing it, meaning, that the concentration of hydrogen peroxide you should know what's the concentration is before you mixing it.

Sixth is the concentration of main load should be 65 to 80 percent. That's the concentration I needed for it.

Seven, should wear mask, goggles, gloves.

Eight, mixing flour with H_2O_2. Mix well, well the bubbles should go away. That's what I mean by earlier that I say that when you mixing it, you should mix it very well that the bubbles are not in the bomb, in the H_2O_2 bombs, because it produce bubbles.

And the last one is don't store to more than two days after mixing to it will expire so that's what basically it means.

Q This pertains to the hydrogen peroxide main bomb?

A Yes.

Q So that bomb itself wouldn't be good two days after you mixed it?

A The most up to three days, that's it. That's what I was told so I put it two days.

Q Now, when you returned to Peshawar, did you see Zarein again?

A Yes, I did.

Q And where did you see him?

A I saw him when he came back to visit his family members in Pakistan and then he visit me in Peshawar. That's where I saw him in my own house.

Q Okay.

And did you discuss with Zarein why he didn't come

to the explosives training?
A We did and I asked him why.
Q What did he say?
A He said that his wife, when we were in the beginning we spent a month in Peshawar, in Waziristan. He said his wife was worrying then and his wife was not letting him go again.
So, for that reason, he didn't come back for the second training that his wife was in the letting him leave.
Q Did you tell Zarein what had transpired during the explosives training?
A Yes, I did.
Q What did you generally tell him?
A I showed him the whole notes that I took and I talk about the whole experience in not maybe every single detail but I have spoke about the whole chemical stuff and how I got the explosive training in Waziristan.
Q Okay.
Now, did you see Zahid again when you returned to Peshawar?
A Yes.
Q How many times did you see him between the time you returned and the time you left for the U.S.?
A Maybe close to three times.
Q And you told us earlier that Abdul Hafeez had instructed you to keep Zahid as your main point contact to al-Qaeda; is

that right?
A Yes.
Q And did you discuss with Zahid how you would stay in contact with each other?
A Yes.
Q What did Zahid say about that?
A Zahid asked me that he needed my information in the United States, like, e-mail address or phone number. So I told him that I don't have it at the moment and I don't have any phone numbers or e-mail because I cancelled everything and I never planned to go back so that was a discussion we had about our contacts.
Q Was it true that you didn't have any e-mail addresses at that point in time?
A No it's not true. I had some e-mails address.
Q So why did you tell Zahid that you didn't have anything?
A The reason I didn't want him to send me any e-mails from him to my regular e-mails in case that my e-mails is under surveillance.
Q Did you eventually give Zahid an e-mail account at which to contact you?
A I did.
Q When did you create that e-mail account?
A I created right maybe the day or the next day when I saw him.

Q So first you told him you didn't have any e-mail accounts then you created one to give to him?
A Yes.
Q Is the e-mail account that you gave to Zahid any of the three that we discussed so far: Najib Zazi, njbzaz, zazmjhd?
A None of those. Zazmjhd I made them later, like, a week later or so. No, I did not give the other 2-E-mails to him.
Q Why did you create an entirely separate e-mail account to communicate with Zahid?
A I wanted this whole thing to be separated from my regular life. That's why I didn't want, you know, anything to do with this e-mail in case anything happens.

THE COURT: At some point, we'll take our afternoon break. Would this be appropriate.

MS. AHMAD: Yes, your Honor.

THE COURT: All right, then folks take a break. Don't discuss the case we'll resume in about 12 minutes.

COURTROOM DEPUTY: All rise.

(Jury exits courtroom at 3:27 p.m.)

(Witness leaves the witness stand.)

(A recess in the proceedings was taken.)

(Defendant enters the courtroom at 3:42 p.m.)

THE COURT: Bring the witness in.

(Witness takes the witness stand.)

THE COURT: Do you expect to finish with the witness before we break?

MS. AHMAD: I'm not sure, your Honor. I think there is a possibility we may take 'till the morning break tomorrow.

COURTROOM DEPUTY: All rise.

(Jury enters courtroom at 3:45 p.m.)

THE COURT: Please be seated. Continue.

MS. AHMAD: Thank you, your Honor.

EXAMINATION BY
MS. AHMAD:
(Continuing.)

Q Mr. Zazi, when we broke, we were talking about the e-mail address you created to communicate with Zahid?
A Okay.
Q Did you discuss with Zahid the type of language you would use in your e-mail communications to refer to suicide missions?
A Yes, we did.
Q What did you discuss?
A We discussed that we're not going to use any words, like, chemicals itself, the word "bomb," the words that could bring attention from law enforcement. So we would always use if you were going to discuss operation or anything a code, a words that actually represent normal situations.
Q Words that represent normal situations, meaning, words that sound the normal?

A Yes.
Q That they would, in fact, be code?
A It would be.
Q Did you discuss with Zahid what code you would use to discuss, to communicate when the attack itself was ready to occur?
A Yes, we did. And we agreed upon a word that would be our code for the mission, like, wedding. Wedding is our code.
Q Wedding?
A Wed yes.
Q So what would you say when you wanted to communicate to Zahid that the attack was about to happen?
A I would say that the wedding is ready which would represent that the bomb and the suicide mission is ready.
Q Now, did Zahid give you his e-mail account or an e-mail account at which you could contact him?
A No, he did not give me his e-mail. I believe he give me his phone number but previously I had his phone number with me.
Q Did Zahid keep the same phone numbers forever or did he often change them?
A I don't know about that.
Q Now, if Zahid didn't give you his e-mail address, how did you expect to know when it was Zahid who was e-mailing you?
A Because I had, you know, by then, I had enough dealing

with him. I know how, you know, how what kind of language he would use. And also, because me and him know each other by their -- his name, the kunya, which is Zahid. So that would be another thing that I will know that it's him.

Q Meaning, if he signed using his kunya?

A Yes.

Q Did you discuss with Zahid before you left the explosives training that you had undergone?

A Yes, I did.

Q And what did Zahid say about that?

A Zahid said that this is, yeah, that kind of explosive training usually everybody gets, and these are the explosive training that he himself had to and he knows these bombs, too.

Q Okay.

And is this when Zahid told you, you use the phrase "hadeen bomb," when you told?

A Describing some of the bombs to him. The two bombs, that's when I heard it for the first time.

Q Did you give Zahid anything before you left Pakistan?

A Yes, I did. I gave him the money previously. I already spoke to Abdul Hafeez and Adis left money. And so, when I saw Zahid, I give him the money and also I give him some electronics.

Q And what was the purpose of your giving him the money and electronics?

A The electronics we previously talked about with Abdul Hafeez that if he wanted the electronics I would be happy to give it to him and he say yes. And the money was that Adis left money and I add 3,000 more dollars with this money so that they have enough money.
Q You added 3,000 of your own money to the 3,000 Adis had left?
A Yes.
Q When you said the purpose was so they had enough money, who do you mean by "they"?
A You know, it's strange that if I'm, you know, going to say my words that, you know, when Zarein didn't show up, I said, like, he might not go with the plan because Adis and Zarein didn't show up.
So I decided to give 3,000 extra dollars they spend a lot of money on us by giving us the training and everything so in case we don't go with it, you know, at least we would be giving them something, you know, that they would be okay with it.
Q Okay. And who is them?
A Al-Qaeda.
Q Now, did there come a time that you returned from Peshawar to New York?
A Yes.
Q And, approximately, when was that?

A I think it was January 3rd or 4th of 2009.
Q And when you returned to New York, did you stay in New York City or did you eventually move somewhere else?
A I stayed for few days and then I moved to Colorado.
Q And why did you decide to move to Colorado at that point?
A I had a couple reasons that I wanted to go to Colorado. In Pakistan, I decided when I was in Pakistan that I'm going it move to Colorado. My other relatives are already established themselves in Colorado. So my purpose was that I'm going to go to Colorado and work. And, at the same time, I would go to Colorado to have less suspicion or less surveillance from the Government on us if I be in New York with my other two friends.
Q Why did you think there would be less surveillance if you lived in different it's from your two friends, Zarein and Adis?
A Because that would show our trip to Pakistan was just a normal trip and we are not up to anything wrong. And we're not conspiring or doing anything that to harm U.S. interests or anything.
Q Between the time when you arrived in New York and left for Colorado, did you see Zarein and Adis at all?
A I saw Adis alone. Zarein hasn't returned by then.
Q Did you discuss your explosive training with Adis?
A I did.

Q What did you discuss?
A I told him -- first of all, I told him the greeting of Abdul Hafeez that I sent to him. And then, I told him about my training and I told him about Zarein that he didn't show up. But then later he came and what he told me what was the reason he didn't show up. And I told him about the training, that I got training in al-Qaeda camp, and I know how to make a bomb.
Q What did Adis say when you told him that Abdul Hafeez had sent him greetings?
A When I told him Abdul Hafeez said he's sending his him greeting to you he said, "Do you know his real name and who he is?" And I told him I already don't know him other than Adbul Hafeez, the name that he told us. He said that his name is such and such and there is a money reward on him by the U.S. Government.
Q What did Adis say Adbul Hafiz's real name was?
A He mentioned that his name as Saleh al-Somali from Somalia.
Q Now, when you moved to to Colorado, where did you live?
A I lived in Aurora, Colorado.
Q And where is that generally?
A That's next to Denver in Colorado state.
Q Who did you live with in Aurora?
A I lived with my aunt, family, her husband, you know, I

call it uncle. So I live there.
Q You refer it your aunt's husband as your uncle?
A I would say, yeah.
Q And did you get a job in Colorado?
A Yes, I did.
Q What did you do?
A I start working as a shuttle driver for airport. I started as a Big Sky Shuttle driving and then I started at ABC Shuttle Airport.
Q Big Sky and ABC are the names of companies you worked for?
A Yes.
Q Now, you had told us earlier this morning that when you originally left for Pakistan you racked up a lot of credit card debt because you weren't planning ever to come back to the U.S.
Did that credit card debt caused any difficulty when you did, in fact, end up coming pack?
A There was, yes, some phone calls that keep coming to my family. They did met some difficulties.
Q What did you decide to do to address the debt that you had accrued?
A I decided that I'm going to file a bankruptcy through the bankruptcy office. So I could file, you know, declare bankruptcy. I could not pay the debt.

Q And when you filed for bankruptcy, when entirely honest in your filing about the debt that you had accrued?
A No, I did not.
Q After you moved to Colorado, did you ever return to New York City?
A Yes, I do.
Q How many times?
A Approximately three times.
Q When were those three trips?
A One trip was somewhere in spring. The second trip was, I believe, in July. And the third trip was in September.
Q Of what year?
A Of 2009.
Q Let's talk about your first trip, the one that occurred in the spring.
How did you get from Denver to New York?
A I flew in airline to LaGuardia.
Q And where did you stay in New York on at that trip?
A I stayed with my family, my immediate family, my father and parents.
Q What was the purpose of that trip?
A The purpose of that trip was that my court date was fixed and I had to come for the Court date of my bankruptcy.
Q Bankruptcy Court you're talking about?
A Yes.

Q Did you see Zarein and Adis on that trip?
A I did see them, yes.
Q Once or more than once?
A I don't recall the number of times but more than once.
Q And where did you see them?
A I saw them in the same neighborhood, in the same mosque, called Abu Bakr Mosque and in that area.
Q What's the neighborhood?
A Flushing.
Q Did you have any discussions with them about your planned suicide attack?
A Yes, I did had a conversation.
Q What did you discuss?
A We were in a car and, you know, I brought the topic of the mission. I wanted to know if they were still on board, you know, because I wasn't sure. I haven't seen Zarein for almost three you for four months, and when I brought the conversation they said they are still on the mission, meaning, that they were still in yes to the mission.
Q Okay.
Did you discuss the timing of when you would conduct the attack?
A Yes. We talked about that and Adis said that it would be better we did in Ramadan and we agree upon it?
Q What is Ramadan?

A Ramadan is a holy month of Muslims in Islam. Where all Muslims fast for 30 days.
Q And what was the significance of your doing the attack on Ramadan?
A You know, the reason about the significance of Ramadan is that we Muslim fast as one. Second is that every deed counts multiplied by ten or even more. So every good deed you do is more reward in that month because the person is fasting. Adis said it will better month and a blessed month and let's do it in that so we agree upon it.
Q So, in your view, the suicide attack would be a good deed whose blessings would be multiplied if you did it that month?
A Yeah, it would have -- the reward would be doubled.
Q Now, when was Ramadan, approximately, in 2009?
A I think it was in September, yeah, that's where it was.
Q Now, where did you have these conversations with Zarein and Adis during this trip?
A They were on board for the mission. I believe it was in a car that we were -- I asked them and they say yeah. And then we had conversation in a park walking around in the street in those areas.
Q Was there a reason that you chose those public, outdoor areas to have those conversations?
A Yes. Like I mentioned earlier, was that we didn't want it to be around people that are close by. We didn't want to

be in a place where walls around, where could be microphones. We thought that the Government is always, you know, watching and listening and they have spice and informants.

Q Did you discuss with Adis and Zarein on this trip after constructing, how you would actually construct the bombs for the attack?

A We had a brief discussion on that, too.

Q Did you discuss who among you would build the bomb?

A Yes. I spoke to Zarein that me and him would make the bomb.

Q Why did you want only Zarein to be involved with you in the bomb making?

A The one reason was that we want Zarein to be with me because I already shared the information on my notebook that it details in my notes from Waziristan that he has an idea. And the second thing is that if I make mistake, I know that Zarein will not get mad with me or get nervous.

I didn't want Adis to be involved in it because I know he's a simple guy and I don't want him to get mad. And he's, like, the religious motivated person for us. So I wanted Adis to be motivated for us and not to be involved in our making bombs.

Q Did you discuss on this trip where you would build a bomb?

A Not exactly. A lot of detail but we discussed a few

places, yes.
Q Who sort of criteria were you looking for in the location where you built a bomb?
A We were looking for a safe and secure and less crowded or no crowd of people. Place where apartment or hotel or a park or a basement.
Q Why did you think you would be able to build it in a park?
A Because I was already told that apartment is a perfect place for it because you would have access to water. You would have access to stove which means kitchen area. Apartment has kitchen if I wanted to increase the concentration. So that would be the perfect place.
Q And besides an apartment did you also discuss building a bomb in a park?
A Not the whole bomb. We were talking about if you need to increase the concentration we would just take it to the park and do it there.
Q How would you do it in a park?
A We know that Flushing Meadows had a barbecue place. So you take it there and just boil the concentration.
Q Now, after this trip when you went back to Colorado, did you make any attempts to start securing the ingredients you would need for the bomb?
A Yes, I start.

Q What did you do?

A When what I start doing is that I first opened my account, my e-mail account, from Pakistan for the first time and I took the notes out and then I start searching on Internet, on Google and Yahoo, looking for the ingredients, chemicals and then I went outside to see them or find them in the stores.

(Continued on the next page.)

BY MS. AHMAD:
Q And what sort of stores did you look in for these ingredients?
A I was looking for these ingredients in hair salon, hardware store, pharmacy, Wal-Mart and places like that.
Q Did you find what you were looking for right away or did you have to shop around?
A No, I had to shop around.
Q Did you eventually make any purchases --
A I did.
Q -- of the ingredients?
A Yes.
Q What did you buy?
A I buy acetone peroxide, hydrogen peroxide. I bought baking soda. I bought toilet cleaning liquid, which contain hydrochloric acid. I bought some other items like Scotch tape, calculator, I believe, and scale.
Q Where did you get the acetone from?
A I bought it from hair salon.
Q And what about the hydrogen peroxide?
A I believe I bought it from hair salon, too.
Q What about the hydrochloric acid? That was toilet cleaner, you said?
A I bought it from -- I bought it from Lowe's.
Q And what is the purpose of getting a calculator?

A Because I knew that if I need to increase the concentration, I need to calculate the measurement.
Q What did you do with these chemicals once you bought them?
A I brought it to my aunt garage or her house.
Q And what happened after you brought them there?
A She was working in the backyard and she saw me bringing two bags, plastic bags -- shopping bag, I mean. When I went into my room, she went into the garage and checked out these chemicals, and I know she didn't know those chemicals, but she was they were unusual. So she told her husband that that I brought some chemicals into the garage.
Naqib, which is, you know, I call him my uncle -- approached me and told me, "What is this? What the hell is this?" So I told him that these are the stuff that I'm trying to make something of it.
Q What did you tell him you were planning to make with those ingredients?
A I told him that in Pakistan, I saw one Indian, you know, Singh. He told me that if you mix such and such, it will change it into male enhancement drugs, male enhancement pills that would help a person have a better sex life.
Q Is that true?
A No.
Q What did Naqib tell you to do with the chemicals?

A He said, "I don't want to have -- you know, I don't want to do anything with it and I don't want to have this in the garage." So I told him, I said, no problem. I would just dump it right in front of you, because there's nothing like, you know, wrong that I'm trying to do, you know, something that is illegal. So I went outside and I just dumped it on the road.
Q And after that, did you go back to New York?
A Yes, I did.
Q Approximately when is that, again?
A I think it was either the end of July or the early August.
Q And how did you get to New York?
A I went in airline. I bought an airline ticket and I flew to New York.
Q And what was the purpose of this trip?
A This time, the purpose of my trip was that I had a -- I had a coffee vendor, coffee cart, where I used to sell coffee in the street at Stone and Broadway, and I rented that to the person that I know, and he start calling me, that there's another competition came close by and he's giving him a hard time and taking business from him, and he's illegal to stand there at our building. So he told me to come over and see the situation.
Q Did you see Zarein and Adis on that trip?

A Yes, I did.
Q Did you have any conversations with Zarein and Adis about the suicide mission?
A Yes. With Adis, just briefly and with Zarein, I went into details.
Q What topics did you discuss with Adis?
A I told Adis that, you know, I tried -- I tried and the bomb, it's like I told him, I give him satisfactory, that don't worry. I think we could figure it out and we could make it. That's about with Adis, but with Zarein, I went into detail.
Q With Adis, did you have any conversations about the potential locations for building the bomb?
A Yes, we had some locations, yeah.
Q And what potential locations did you discuss?
A We discussed like places, for example, apartment or a basement, a park or a hotel or motel, something like that.
Q Did Adis have any suggestions?
A He threw one suggestion that he said that his basement in New York where he work in Manhattan, it's usually nobody around on the weekend. On the weekend, nobody ever come there. So that would be a nice place to use. I say, no Manhattan. No, we're not going to use somebody's apartment or somebody's building that we don't know, and you never guarantee of people. So we said that's out of the -- off the

table.
Q What kind of work did Adis do in this building in Manhattan?
A He was a doorman and a security guard at the same time.
Q And it was an apartment building?
A Yes. I don't know if it was apartment or office.
Q Okay. Did Zarein have any suggestions about where you could build a bomb?
A Yes. Zarein had said, because I already mentioned to him what happened in Colorado. He was telling me that his brother-in-law is going home to Pakistan, and so his apartment would be vacant for two weeks. So I'm going to talk to him and I'm going to make sure we get that apartment for two weeks, and that's when we're going to make it there.
Q Did that end up working out, using Zarein's brother-in-law's apartment?
A No, it did not.
Q You said you went into further discussion with Zarein about the mission. What else did you discuss with him?
A Me and him talked about how to find chemicals, where to make it and how to make it, and what targets we might choose.
Q Okay. Now, with respect to where to find chemicals, what did you and Zarein talk about?
A I talk about the acetone peroxide, hydrogen peroxide, hydrochloric acid and how to find them, and we actually went

in on a expedition to find it.
Q Where did you go on this expedition to?
A We traveled to a pharmacy in a Pathmark, and they had a pharmacy and look in those shelves, how to find those two items, three items.
Q Pathmark, the grocery store?
A The Pathmark that was close by, in Flushing.
Q And when you went, there did you actually purchase the items or did you go to see whether or not they were available?
A No, we were just trying to see if it's easy to available, and if they have a lot of it.
Q And you said you and Zarein also had some conversations about the target of your attack?
A Yes, we did.
Q Did Zarein have any suggestions regarding what areas or locations you could target?
A Yeah. We talked. First of all, he said that he's a taxicab driver, and he knows the New York City like on his, you know, like he knows -- he knows everything in New York City. He's been driving for a long time.

But then we move into a subway and we talked about that subways like one of the -- our main target, it could be.
Q Do you mean you moved to discussing the subways as a potential target?
A Yes.

Q Did you discuss any particular subway stations or any particular subway lines?

A We did discuss some lines that crosses Grand Central area, which is like the heart of Manhattan and they're busy and crowded, and very famous.

Q Do you mean Grand Central Station in Manhattan?

A Yes.

Q What was the significance of targeting Grand Central Station?

A Not the actual Grand Central itself. I mean, we say that these are the lands that are very busy and very famous, and these are shut down, that mean the whole New York City could be shut down with it.

Q Is there a reason that you focused on lines that went through Manhattan?

A Yes, because it's a lot of people are using it. They would have fear, and it would have a better economic damage and impact.

Q Did you discuss what time of day would be best to conduct the attack?

A Yeah. We discussed that -- which would be better, the morning or the evening, and it was okay. We were going towards morning more than the evening.

Q Why the morning?

A Because that's the start of the day, so you just shut down the subway from morning.

Q Was there any particular reason that after debating all the locations you told us that you discussed with Hamad in Pakistan that you eventually settled on the subway?

A Can you repeat that please, again?

Q Yes. You had told us that with Hamad in Pakistan, you discussed multiple locations and you gave us examples of that, right?

A Yes.

Q And can you explain to us why you eventually settled on the subway as a target, what it was about the subway that led you to think it would be the ideal target?

A Because he already put it in our mind -- in my mind, I would say, that he showed the subway bombing in London, and it was a very useful and had a big impact. So it was obvious to us, too, that the New York is connected with the subway, so if subway shut down, the whole city is shut down.

Q Now, did you have an understanding as to what effect choosing busy subway lines -- attacking busy subway lines during busy times of day would have on the number of casualties that occurred?

A We knew that morning time, all the trains are crowded, but, you know, they're all pretty much fully crowded. What important to us was the line that is very famous or more important to people. That was the main reason.

Q Now, were you, Zarein and Adis each planning to carry a bomb onto the subway?
A That was the intention of ours, that we're going to make separate bombs and we would go individually either to one subway line or different subway lines.
Q Was the plan at this point still to conduct the attack during Ramadan?
A Yes and no. Our initial was yes to Ramadan, but when Zarein -- I told Zarein that my attempt didn't succeed in Colorado. So he was looking for his brother-in-law apartment. If that was available, we would have started then.
Q You told us it didn't end up being available, so what decision did you make in light of that fact?
A We were talking and tried to figure it out, and then I told Zarein that, hey, you know what? I go back to Colorado and I would figure it out. I would find -- Colorado is less crowded and less, you know -- so I will do something in Colorado to figure it out.
Q Why did you think that Colorado was less crowded, to make it a better place to build a bomb?
A Because colorado is, you know, wide. It's not so close like New York City is millions of people in very small area. Colorado is more open and very good area, you know, very uncrowded, I would say.
Q Did you plan to build the entire bomb in Colorado or just

a portion of it?
A No, I was planning to just to make the detonator part.
Q Why only the detonator?
A The reason for that was because in my notes, I already put that my main bombs would not last more than three days, the most, three days. So if I made those, I would not have enough time to bring it with me to New York.
Q So where were you planning to build the main bomb?
A I was planning to make in New York.
Q You were going to do that within three days of the attack?
A If the bomb got, you know, every compound is ready and the bomb is ready, then right away.
Q Now, when you returned to Colorado, did you again attempt to acquire the ingredients you needed for the detonator?
A Yes, I did.
Q Remind us again what these ingredients are.
A This time, I got all the ingredients correctly. The ingredients were acetone peroxide, hydrogen peroxide, hydrochloric acid, baking soda. I had a calculator and a scale and other items that I brought with it.
Q So starting with the hydrochloric acid, did you again buy the version that was in toilet cleaners?
A No, this time, I find in Lowe's the pure form of it.
Q Lowe's, you said?

A Yes.
Q The home goods store?
A Hardware store.
Q Okay. And what about the acetone, where did you get the acetone from?
A I think I got it from the hair salon.
Q What about the hydrogen peroxide?
A I got it from that beauty supply store.
Q What was the approximate concentration of the hydrogen peroxide that you found in the beauty supply store?
A I think it was close to 20 percent. I don't recall the exact, but I know it was higher than previously I know or what I had experience.
Q Did you find that hydrogen peroxide at a lower concentration is available in other places?
A Yes.
Q What locations, what other locations was a lower concentration of hydrogen peroxide available at?
A Pharmacy, hair salon. Those are the two places I found.
Q What was the approximate concentration of the hydrogen peroxide that was available in pharmacies?
A It was very low, I just don't know. It was three or four percent, something in that range.
Q Were you at all concerned that it might look strange to the people who worked in the shops for you to be purchasing

all these beauty supply ingredients?
A I didn't think it would be strange, because I know people uses it. I mean, people buys it for their house, you know. So I try not to buy it at one time all of it. I tried it in a different occasion. So I didn't thought of it to be any reason for them to ask me anything about it.
Q Besides not buying it all at once, did you take any other steps to make your purchases look normal?
A Yes. I bought extra items with it that I didn't needed, like to polish your nail, lipstick and -- I don't remember some stuff that it wasn't -- that I needed to.
Q Did you have a plan for what you would say if you were questioned by anyone as to why you were purchasing these things?
A Yeah. I would -- I had a plan that I'm going to say to them that I'm buying it for a house. I was buying for my, like our womans in our house.
Q The women in your house, you said?
A Yes.
Q Now, where did you store these ingredients once you purchased them?
A I bought a very little of it beforehand, but I bought these once -- once I found it, that where I could get it, I rented a home -- I mean a suite. Once I rented that, then I went into those stores and I just grabbed them and brought

them to the -- directly to the suite that I rented.
Q You rented a suite at a hotel?
A Yes, I did.
Q Do you remember what hotel?
A Yes, Homestead Suites.
Q You rented that suite for what purpose?
A To make the acetone peroxide detonator powder.
Q And how many times did you rent a suite at the Homestead Suites?
A I did it twice.
Q And the first time, how long did you rent it for?
A Somewhere -- either it was two or three days. I know it was two days, but I just don't recall the third day.
Q So you said that you acquired most of the ingredients once you already rented the suite?
A Yes.
Q Was there anything that you had gotten beforehand and stored yourself?
A Yeah. I think I got acetone peroxide.
Q Okay. And where did you store that, if you remember?
A I stored it -- we have an apartment and then outside of our apartment, we had a small storage room, and we had a house boxes, luggages and I found one luggage and I just store it there.
Q Besides the chemicals we've talked about, did you buy any

other supplies in order to build the detonator?

A Yes, I did.

Q What were those?

A I bought light bulbs, Christmas light bulbs. I bought batteries. I bought a scale. I bought goggles, gloves --

MR. NASEER: Objection.

THE COURT: Is there an objection?

MR. NASEER: Yes.

THE COURT: The objection's overruled.

Go ahead.

A Gloves, mask and stuff like that.

BY MS. AHMAD:

Q And what was the purpose of the scale?

A The scale, I bought it, if I need to increase the concentration, you know, then I would use the scale to, you know, to see the measurement and the concentration.

Q Increase the concentration of what?

A Of hydrogen peroxide.

Q Now, how did you pay for the hotel room that you rented to build the detonator?

A I bought everything with cash.

Q You said you paid to stay there for two nights the first time?

A Two or three nights. I can't recall. I don't know exactly.

Q Did you actually sleep in that hotel?
A No, I did not.
Q Why not?
A Because I would leave home, telling family like I'm going for work and then I would come home eight, nine, ten o'clock at night and stay in my own apartment with my family.
Q What did you do during the day in the hotel suite?
A What I did was, like I said, when you start doing these chemicals, mixing the chemicals, you need to first mix them, then filter it, then afterward, you dry it. So I did those three things in order.
Q And after you had completed those steps, had you successfully built a detonator?
A Yes.
Q How do you know that you were successful?
A I went -- I went to make the detonator itself, like the way I was told or showed. And I went into a plain area where there was no houses or anybody around. And I say you know what? I'm going to test it there. So I test it and it explode the way I seen it before, so it actually worked.
Q Now, how much acetone peroxide did you build?
A I made, you know, approximately was close to three or four bombs, you know. I had like this is enough for three or four bombs.
Q Enough to detonate three or four bombs?

A Yes.
Q And what did you do with the acetone peroxide once you made it?
A I stored it again in the same area where I stored my -- like I had a scale and calculator stuff in the luggage in the storage room.
Q And what kind of container was it in?
A Clear glass. I mean, clear glass bottle.
Q Now, once you had successfully tested the acetone peroxide, did you tell anybody --
A Yes.
Q -- about it?
A I called Zarein and I told him about it.
Q What did you say to Zarein?
A I told Zarein that the computer that I was working on, the virus that the computer had, I successfully removed and it worked.
Q Successfully removed the computer virus?
A Yeah. And it worked.
Q And what did you intend Zarein to understand by your saying that?
A I intended that there was a -- I don't know if the confusion of him to -- because I couldn't see him, but he understood that I made the bomb successfully.
Q And why did you use the coded language of a computer and

the virus?
A Because you can't use the words on the phone or on the email or in a text, bombs and stuff like that.
Q You said that you went to the Homestead Suites twice?
A Yes.
Q And what did you do on your second trip to Homestead Suites?
A The second step, I did again. I said, you know what? Let me go and do this. I want to make sure that I have enough acetone peroxide for three bombs that, you know, that I don't have to do it in New York again, this whole process. And I did it. It was good and it was more easier in Colorado than in New York, it would be. So let me do this one more time, so I have enough acetone peroxide that I don't have to worry again about it.
Q By the completion of your second acetone peroxide making attempt, how much acetone peroxide did you have approximately?
A I would say it was enough that -- it would -- for six bombs, five, six bombs or maybe a little over or under. I can't recall it. But I know it was there. It was more than five bombs.
Q Now, you told us that you were trained on making two types of main charges, a flour and ghee or the ghee bomb and the hydrogen peroxide main charge. What main charge did you intend to use for the bombs you were building?

A I had two. I was thinking about using the flour-ghee bomb.
Q Uh-him (affirmative response)?
A And at the same time, I was thinking about hydrogen peroxide bomb.
Q Which was your preference?
A The preference was the flour and ghee.
Q Why was that your preference?
A Because it was easier -- easier and the ingredients are very simple.
Q What made the process of making a flour and ghee bomb easier than the process of making the hydrogen peroxide bomb?
A Actually, they're both easier, but what it is for hydrogen peroxide, you need a lot of hydrogen -- hydrogen peroxide and then you needed to concentrate to 85 percent.
So I thought of it that that now again, I have to look for a lot of hydrogen peroxide. So instead of doing that, I would, you know, do the other one, the flour and ghee, because you need a very little amount of hydrogen peroxide for that.
Q Did you run into any problem when you were thinking about how to construct the flour and ghee bomb?
A Yes, I did.
Q What was that?
A My original notes that Zarein had it, I had it in it,

what ingredients do I need for it, the exact ingredients and the exact mixture, and for some reason, I did not copy those to my brief notes.

Q So what did you decide to do when you found out that you were lacking that information?

A When I saw my notes that the ingredients for flour and ghee was not there, I tried to contact Zahid, you know, to get it from him.

Q How did you try to contact Zahid?

A What I did was, I called my relative in Pakistan. He's a young boy, teenager. I told him that Zahid, a guy named Zahid, and he owes me some money -- or I owe him some money, and I would like to return his money. Would you please take my information to the such and such store in the such and such area and give it to him, and ask, so that he could contact me.

Q Had you had any contact at all with Zahid since the time you returned from Pakistan in January 2009?

A I did not have directly contact with, but he did try to contact me.

Q How do you know that Zahid tried to contact you?

A My cousin, Amanullah, when he came back to U. S. From Pakistan, that's where he told me that -- when I saw him in Colorado. He told me that Zahid contacted my family over there couple of times, asking about me.

Q Did you ever check the email accounts that you had given

Zahid to contact you at?
A No, I did not.
Q Why not?
A Because I had a notebook over there when I left Pakistan. For some reason, I forgot to take that with me. And so I had no contact information. His phone number was with me and his email that I copied, I put it with his phone number.
Q His email, meaning an email --
A No, my email. I'm sorry. That one that I give it to him.
Q Okay. So you had only written it down in that notebook that you didn't have?
A Yes, I put it in Pakistan, but when I came to U. S., I forgot to bring it with me.
Q Did you remember the email address you created?
A No, because I made a mew unique email address that was not closer to the ones that I had before. So it was a lot of numbers and everything on it, so then I forgot to remember it.
Q Now, when you asked your cousin to find Zahid and tell him that you wanted to pay him back the money, was that true that you really wanted to pay Zahid back money?
A Yes. It was not true.
Q It was not true? Okay.
Was your cousin eventually able to contact Zahid?
A He did.

Q And did Zahid reach out to you?
A Yes, he did.
Q How did Zahid reach out to you?
A He reach at my email and he send me his email.
Q Okay.
MS. AHMAD: Your Honor, I'd like to show the witness an exhibit that's marked for identification as 500.01.
THE CLERK: Could you repeat that?
MS. AHMAD: Yes. It's 500.01.
BY MS. AHMAD:
Q Mr. Zazi, this is five-page exhibit, so I'm going to take you through each of the five pages and then ask if you recognize them. What are these documents?
A (Perusing documents.) These are the some of the emails that I sent to Zahid and the emails that I received from him.
Q Were these sent and received from your email account?
A Yeah. I send it from my email account, right.
MS. AHMAD: Your Honor, the Government would move to admit Government Exhibit 500.01.
THE COURT: Any objection?
MR. NASEER: Yes, sir.
THE COURT: May I see it?
MS. AHMAD: Yes, your Honor. (Hands to clerk.)
THE CLERK: (Hands to the Court.)
THE COURT: (Perusing document.)

All right. The documents are in evidence. The objection is overruled.

MS. AHMAD: May I publish them to the jury?

THE COURT: Go right ahead.

(Publishes exhibit to the jury.)

BY MS. AHMAD:

Q Mr. Zazi, I'm directing your attention to page one of Government Exhibit 500.01. Let me ask you first in the two lines whose email address is that?

A That's my email address.

Q And in the subject, in the "from" line, whose email address is that?

A That's the email I received from Zahid.

Q And what is the date of this email?

A It's 9-6-2009.

Q Can you please read the email to us?

A "AOA" -- mean "As-Salaam Alaikum" -- "Hi. How are you? How is your life going? I need to Muhammad email address or phone number. If you have, then reply me on the same address in which I mailed you."

Q All right. It says "AOA." It means As-Salaam Alaikum. What does As-Salaam Alaikum mean?

A This is our greeting, Muslim greeting, peace be upon you and blessings be upon you.

Q And the reference to needing Muhammad's email address,

what is your understanding of who Muhammad is in this email?
A It's Adis Medunjanin, which his alias is Muhammad. That's what he's asking about him.
Q Now, had you ever heard of this email address before, sana_pakhtana?
A No, that was the first time I ever heard this email.
Q And what is "Sana"?
A I don't know what Sana is, but it seems like a female name.
Q Have you heard of a female named Sana before?
A Not that I know. We have a -- we have a saying in the words like "a" after a word, after a name, refers to a female.
Q Okay. And what about "pakhtana," what does that refer to?
A That's a female Pashtun identity for a female. You say "pakhtana."
Q And was Zahid Pakhtun?
A He's a male. He's Pakhtun.
Q Now, you hadn't heard of this email address before. How did you know this email came from Zahid?
A The plain indication of this email is that the subject itself, saying "Zahid" here and also, he knows, you know, Adis and in it, which is Muhammad, which is a clear indication to me that it's from Zahid himself.
Q And did you respond to the email?

A Yes, I did.

Q Before we get to your response, I want to direct your attention to another version of this email, which is page two of this exhibit. Can you read the line beginning at "moreover"?

A "Moreover, how is your business and family? If you need something, then please tell me every time. Say my Salaam to all friends and family members. Take your good care in Allah."

(Continued on the next page.)

EXAMINATION BY
MS. AHMAD:
(Continuing.)
Q And what is your understanding of what Zahid meant how is your business and family?
A I took it from this at that time that he's just want to make the e-mail more local legit and more like common e-mail that a person would send to each other. So he's using words that, you know, to say how I am and how's my family how's my business.
Q You have the same understanding with the rest of the e-mails. Pay my salaam to my friends and family members?
A When friends I knew that he said referring to my other two friends. And family members he just adding that to it.
Q When you say he was referring, you knew he was referring to your other two friends. Is that what you mean?
A I'm not going to say that that's what he means but I noticed when he said friends I noticed that he's giving me indication that how is my friends, you know, my two friends Adis and Zarein.
Q And what is Allahu Akbar?
A It's basically a greeting of Allah. It means may God protect you.
Q Directing you now to Page 3 of the next exhibit. Is this your reply to Zahid?

A Yes.
Q Can you please read it to us?
A I said Zahid, assalaam alaikum. How are you and good to hear from you. And also salaam on our friends and family. How is your work? Everything is all right? Zahid, listen, I need amount of one mixing of flour and ghee oil and I do not know the amount, please, right away and my phone number is(303) 500-2877?
Q And so, what do you mean in the first half of the e-mail, hi, how are you? Good to hear from you. Salaam to your friends and family how is your work?
A The first part is just, you know, just, like, how are you and just asking how are you, you know, how's everything with you.
Q What was the purpose of including that in this e-mail?
A Again, I used it just to make the e-mail look normal.
Q When you ask him for the amount of one mixing of flavor and ghee oil.
First thing, did you may mean flavor or you read it flour?
A No, actually, I messed up the --
Q The spelling?
A The spelling. I didn't mean by that it's flour and ghee oil.
Q So what did you mean when you asked him the amount of one

mixing of flour and ghee oil?
A I wanted him to give me the measurement and the amount of each one. Actually, measurement of each one to mix. Just send me, please, the right measurement.
Q And this is for the bomb?
A That's for the flour and ghee.
Q Now, why were you nervous referring explicitly to flour and ghee oil in this e-mail?
A Because flour and ghee oil I thought of it it's just normal words. And, at the same time, I was referring to him that the bomb I'm talking about is the flour and ghee bomb.
Q Now what's the date of this e-mail?
A It's the same, 9/6/2009.
Q Where were when you sent it?
A I do not rather exact location where I was.
Q Do you remember in you were in Colorado or New York State?
A No that I remember I was in Colorado.
Q Directing you to the next page of this exhibit, Page 4. This is an e-mail written by whom?
A That's written by myself.
Q Okay. Can you read it to us?
A Again, assalaam alaikum happy Ramadan to you and to your family and friends. How are you? All of us over here are good and working fine. Please reply to what I asked you right

away. The marriage is ready flour and oil, meaning, flour and ghee oil.

Q What does the marriage is ready mean?

A That's the word or that's the code that we agree upon in Peshawar, me and Zahid, when the operation is ready that is the word that I'm going to use.

Q Flour and oil, what does that mean?

A Again, I'm asking for the mixing, the mixture of flour and ghee measurement.

Q And why did you include the rest of this the language in this e-mail?

A Because I just want to make it again like the e-mail is just normal, you know.

Q Okay.

Directing your attention to the last page of this exhibit. This is an e-mail written by whom?

A This is again by me.

Q And sent to who?

A It Zahid.

Q Okay. Can you, read it to us?

A Assalaam alaikum, Zahid, brother. How are things going on with you and how are you friends. Me and friends are all okay and please send me details about ghee and flour mixtures right away, please.

Q When you said, "Me and friends are all okay," what

friends are you referring to?
A My other two friends, Adis Medunjanin and Zarein Admedzay.
Q And seems to be in a larger font than the others.
A Yes. I just wanted to get his attention that just send me that quickly by the time I get to New York.
Q You keep saying right away, please, in these e-mails what is the urgency?
A I wanted to have the mixture before I make it to New York and before I see Zarein. So I didn't want to, you know, be confused there, you know which one. So if I get it by then by I get to New York then we will start looking for this mixtures. If not, then I'm going to start proceed with the hydrogen peroxide bomb.
Q Now, what's the date of this e-mail?
A 9/7/2009.
Q So it's only 24 hours, approximately, after the first e-mail you exchanged with Zahid?
A Yes, that's right.
Q Did you get a reply from Zahid to this e-mail?
A I was traveling after that so I don't know if I ever get the additional e-mail from him.
Q Okay. And where did you travel after that?
A I traveled from Colorado to New York.
Q Okay.

And were you still planning to build the main charge once you got to New York?
A Yes.
Q Now, what was your plan regarding how to build the main charge if you've never heard back from Zahid about the mixture of flour and ghee oil?
A Then I would use my, like, the second preferred which is hydrogen bomb.
Q Okay.
Now, approximately when did you travel from Colorado to New York?
A I would say the 9th of September.
Q What year again?
A 2009.
Q And how did you plan to travel to New York at that time?
A I rented a car and I wanted to drive from Colorado to New York.
Q Why did you want to drive rather than fly on that trip?
A Because I could not take with me the acetone peroxide with me on a plane. That would be, like, easy caught and so I wanted to come in a car with me.
Q Is there any other reason why you didn't want to fly?
A That's was one reason and thing is reason not to give, not to come again in the computers of government that I'm again in New York instead of being in Colorado.

Q You mean the computers of the Government that would -- monitor travel?
A The travel where your location is.
Q Okay. Now, how did you rent the car?
A I told my father that I needed the car to go to Chicago and, you know, if you could help me out get a rental car.
Q Why did you need your father's help?
A The reason was that the car company the rental company needs a credit card for you to get a card.
Q And did you have any credit cards?
A No, I did not.
Q Why not?
A Like I said earlier, I maxed to up so I had no cards at that time.
Q Now, why did you tell your father that you were going to Chicago?
A I told my father that in Chicago there is Imam came from other country who is going to give lectures and speeches on Ramadan which is our holy month and I will like to, you know, go and attend. It will be, you know, appreciated from you if you could give me a rental car.
Q Was that true?
A No, it was not.
Q At the time you left Colorado, did you expect to ever see your family men?

A No, I was that was the last time.
Q Around what day, time of day, was it that you started out on your drive?
A Early morning after I pray my morning prayers before sunrise.
Q Were you with anyone else?
A No I drove alone.
Q What did you bring with you on the trip?
A I had my luggage which had clothes, the calculator, the scale, my laptop. I had water. I had hydrochloric acid with a class. I had acetone peroxide that I made and I had other items like scotch tape, light bulbs, gloves and stuff like at that.
Q Where did you store the acetone peroxide?
A I did it. I put it in my luggage.
Q Was your luggage like a suitcase?
A Yes, it was a box luggage which I had in my trunk and I put it inside.
Q And where did you store the hydrogen peroxide?
A That's where I put it in the luggage, hydrogen peroxide in the luggage.
Q I'm sorry, I meant the hydrochloric acid?
A That was in the gallon I just wrap it up in a plastic bag it was in the trunk next to my luggage.
Q What about the scale and the calculator and the light

bulbs?
A They were all in the luggage of mine.
Q Why were you bringing more hydrochloric acid with you even though you already made detonator?
A You know, the reason I had that with me for two reasons. One was that I thought the third ingredient for now and ghee would be hydrochloric acid or it could be hydrogen peroxide.
So I didn't want to go back to Lowe's just to look far hydrochloric acid again. But when I noticed in the Internet when I was looking for hydrochloric acid it shows only couple of Lowes that had to so I didn't want to again look in New York for hydrochloric acid that's why I brought it with me.
Q Why did you bring your laptop?
A The laptop I wanted to use it for my communication with Zahid. If he wanted to make videos, we send it through my computer, laptop. And, you know, use -- and also use for locations, like, if I want to look for motel or hotel and other places.
Q What kind of videos were you contemplating making?
A The videos that I was, you know, told by Abdul Hafiz and Hamad that, when the operation is ready and you guys about it go, you should make videos of your farewell, meaning, your last words and your message. So those were the videos I was looking for.

Q Did you have a copy of your bomb making notes with you?
A No, I deleted them because I knew I could any time I open my e-mail and bring it back in my computer.
Q Now, about how long did this car trip from Denver to New York take?
A From 6:00 a.m. the morning that I left the house I reached around 1:00 o'clock afternoon the next day in New York.
Q Did you have any encounters with law enforcement along the way?
A Yes, I did.
Q How many?
A Twice.
Q Tell us about the first time?
A The first time was in Colorado still in the highway close to Kansas. I got pulled over for speeding.
Q Okay.
Did the officer ask you any questions?
A He did. He asked me where I was going and what was my purpose of going to the location I was going.
Q And what did you tell him?
A I told him that I'm going to New York. I used to live in New York and New York is like my hometown. And I'm going to take care of my business that are under, you know, somebody close by who are taking our business. So I'm going to fix the

issue there.
Q Is that true?
A No, it was not.
Q Did you get a ticket?
A I get a warning from him but not a ticket.
Q So what day was it that you reached New York? You said you left on September 9th?
A I reached Thursday. Thursday of that week.
Q And as you were approaching New York, did you contact anyone?
A Yes, I did.
Q Who did you contact?
A I called Zarein and I called him that I'm about to cross the bridge, George Washington Bridge, and I'll be at your house in less than 30 minutes or 40 minutes.
Q And were you planning to stay with Zarein?
A No, I was not.
Q Why not?
A Because my intention was not to be known in New York, that I'm back in New York. My intention, or our intention, was that we are, you know, I'm going to look for a hotel or suite and make a bomb and afterward go with the martyrdom operation.
Q Were you planning to see anyone in New York other than Zarein and Adis?

A No, I was not.
Q And had you soon did you expect the martyrdom operation would occur once you arrived in New York. How soon thereafter?
A I knew that it would be less than two weeks because you have to look for the items, bring the items. So I know it would take -- my estimate was maybe close to a week but I knew that it would not take more than two weeks, it would be less than two weeks. So one, two, that's what I was guessing.
Q Okay.
And you hadn't made your martyrdom videos yet?
A No.
Q You hadn't made a main charge yet?
A No.
Q Where were you the second time you were stopped by law enforcement?
A After I pay the toll on George Washington Bridge. That's where I was stopped.
Q Tell us about that stop.
A I pay my toll and I saw police officer. He saw me in my, you know, my eyes contacted his eyes, and he start pulling me over to the side and that's where I noticed that, you know, that this is kind of for me and not, you know, just general.
Q Okay. Did you have any discussions with the police officer?

A Yes, I did.
Q Were you inside the car or outside the car when you had those discussions?
A No I was outside the car I had discussion with him.
Q What did he ask you?
A Oh, he asked me about what was my purpose in New York coming from Colorado. So I explained to him about the whole my purpose is, what I'm here for, so that was my conversation with him.
Q What did you tell him you were there for?
A I told him that I'm here to visit and fix the issue of my coffee cart that I had located on Stone and Broadway and I am here for a couple of few days if I am going to stay at such and such location just to pick the problem that I have in Manhattan.
Q While you were talking to the officer, could you see your car?
A Yes, I could see my car.
Q What did you observe was happening by your car?
A I saw that the officers were surrounding my car, looking through the window, seeing the car if there is anything unusual in it. And then I saw they took out a sniffing dog from a room and met the dog, I believe, walked twice or take around my car.
Q Where within your car was the acetone peroxide at this

point?
A Everything was in the trunk, but acetone peroxide was in my luggage.
THE COURT: In your luggage in the trunk?
THE WITNESS: Yes.
Q Did the officers open the trunk at all?
A No. The dog didn't find anything so they didn't open the trunk.
Q And what happened after that? Did they stop you or did they left you proceed?
A No they let me go.
Q And where did you go?
A I went directly to Zarein's house to meet him.
Q And what did you do when you got to Zarein's house?
A You know, I got already nervous from the encounter I had with police. So, when I got to Zarein, I called him come down. And, as soon as he came down, I gave him the acetone peroxide to take it upstairs.
Q Why didn't you, yourself, go upstairs to Zarein's apartment?
A I didn't want -- first of all, I didn't want to to be known to anybody that I'm in New York. And, second of all, that he has a family, he was living with his parents, so I don't want to go upstairs.
Q Why did you give him the acetone peroxide?

A To secure that right away, you know. Keep him safe in case I'm stopped again.
Q What did he do with it?
A He took it upstairs.
Q Did he come back down?
A Yes, he did.
Q What did you do when you came back down?
A We got into a car, you know, I told him to get in and we start -- I start telling him about the whole experience from Colorado to all the way to George Washington Bridge and explained to him what exactly happened to me.
Q Where were you when you were having this conversation. I know you were in the car but were you parked outside his house or were you driving around?
A No, we were driving around.
Q Did anything else happen as you were driving around and talking about this?
A Yes. What happened was that we saw we noticed there were, like, three cars, three or four cars, that keep, you know, coming in our mirrors and we noticed that they're following my car.
Q What, if anything, do you decide to do when you realized you might be being followed?
A That was it. Once we saw that they're, you know, the police are following us I told him I said that's it, man, our

plan is over we done and let's get this thing, you know, cleaned up and we're done with this whole thing.

Q What do you mean by getting this thing cleaned up?

A I mean, I told him that I have some of the stuff, like, hydrochloric acid and other items in my car. And so, I told him that I need to clean my stuff in my trunk. So, you know, so that if I get stopped again I will not have these things with me?

Q So what do you mean by clean?

A Clean meaning destroy or garbage it or, you know, throw it way.

Q Where did you go?

A You know, we were driving around. We stopped for five minutes then we drove, like, we come up with that timing for prayer is close by and we were close to one of the mosques that was in that area. We agreed upon that we shall go to that mosque and destroy our items or throw our items there.

Q Why did you think the mosque would be a safe place to destroy the items?

A Two reasons. One that we had no other mace to go because the police were following. And second, we know that the mosque has a garage which is closed, indoor garage. I said we would go in, and then take our stuff, and just go straight to the, you know, mosque downstairs or basement so we could throw away the stuff.

Q So what did you do when you got to the mosque?
A Got out from the car, we parked the car inside the garage. Got out, took my stuff from the trunk, the hydrochloric acid, and Zarein went into the basement to dump the hydrochloric acid. And I went into the garbage can and through my other stuff away.
Q What other stuff did you throw away?
A I throw away the plastic bag that contained gloves, Christmas lights, scotch tape, some other minor things. I don't recall what was in it but those were the stuff that I throw away.
Q Did anyone follow you into the mosque's garage?
A Not that I recall that anybody if, you know, I didn't see because we entered the mosque quickly.
Q And what did you do after you and Zarein had disposed of all of these items?
A We stayed for, like, for hour or so. And then we prayed our afternoon prayer and then we left for the mosque.
Q When you left, where did you go?
A We left, when I left from that mosque with Zarein and there was one person, he needed a ride, give him the ride and drop Zarein at his place and I went straight to Abu Bakr Mosque which was the mosque I previously attended and was my local mosque.
Q What happened when you got to Abu Bakr Mosque.

MS. AHMAD: I'm sorry, let me ask you first.
Q Why did you decide to go to Abu Bakr Mosque?
A This is the mosque, I knew a lot of people in it, and it was my local community mosque. And I know some of my friends and other people would be there, too. So I was more secure there than in Muslim Center because I didn't know too much about the Muslim Center people.
Q Muslim Center was the mosque where you had thrown away the bomb parts?
A Yes, that's correct.
Q Okay. So what happened when you got to Abu Bakr Mosque?
A I went inside the mosque. I met people from there, like, my previously I known them. And I stayed there for the evening prayer and then eventually I met my co-defendant, Adis Medunjanin.
Q What happened when you see Adis Medunjanin there?
A We greet each other and then I told him that the police are following me and the mission is over, it's done.
Q How did you express that to Adis?
A I expressed to him through, I wrote on my phone. I wrote, you know, with those ABC, that alphabets. I wrote that the police is following me and the mission is over and I show it to him and he understood that.
Q You just showed him the screen of your phone on which you typed that?

A Yes.
Q Did you actually send him the message?
A No, I did not.
Q Why not?
A You know, sending is different, you know, because when you send something it stays in record. So I just wanted to show it to him and then clear the screen.

THE COURT: All right. We're going to break. We're almost finished with the testimony, direct testimony, of this witness. We will complete it early tomorrow morning.

So you had your first day. You'll notice one thing that sitting still for a long period of time concentrating on what's being said involves enormous physical energy. You're going to be tired, so get a good night's rest. We need you well rested.

Tomorrow we go back for our 9:30 start. The weather is projected to be good, not good. And, of course, don't discuss the case.

It's likely, candidly, that after the first day of trial there will be some stories. Please be as I said before vigilant. Turn your attention away from those stories, don't read them. When the trial is over you can read all about it if you want but don't read the stories. Your job is here in the courtroom the information that's important to you is here in the courtroom.

And, with that, we thank you again for your timely arrival. We look forward to seeing you for 9:30 start tomorrow morning.

Good night.

COURTROOM DEPUTY: All rise.

(Jury exits courtroom at 4:57 p.m.)

THE COURT: All right. Just as soon as the witness is out just I got a few things to say.

(Witness takes the witness stand.)

THE COURT: I remind you that Juror Alternate 3 has some sort of an employment related concern and with your permission I will interview him with the court reporter and report to you in the morning.

Is that acceptable to the Government?

MS. AHMAD: That's fine, your Honor.

THE COURT: Mr. Naseer?

MR. NASEER: That's fine.

THE COURT: I'll be available early in the morning should you need to speak to me for any reason. Have a good night.

MR. CANTY: Your Honor.

THE WITNESS: No, sir. Sir.

MR. CANTY: With respect to the issue MDC, we've heard back from legal counsel. They've informed us that any pat-down searches of the defendant will now be down by a male officer. So I believe that problem has been relieved. Resolved.

THE COURT: How enlightening. But that's only part of the problem. The other part of the problem it has to be a male officer available.

MR. CANTY: They're going to make one available any times he needs to go to the East Visiting Room.

THE COURT: Mr. Naseer, if there is any problem you let me know.

MR. NASEER: I'll let you know.

THE COURT: Good night.

MS. AHMAD: Good night.

(Defendant exits from courtroom at 4:59 p.m.)

(Continued on the next page.)

(Discussion held in Judge's robing room.)

(Juror No. 91, enters the robing room.)

COURTROOM DEPUTY: Sir, have a seat right there.

THE COURT: Come in, we never had a chance to meet. We won't keep you more than a few minutes.

What's your juror number?

JUROR: Yes. I have a bunch of papers.

THE COURT: Here we go. This is Juror No. 91.

JUROR: Yes, sir.

THE COURT: Have a seat. We're here because Ms. Mulqueen informs me that you have shared with her some difficulties you're having with your employer.

JUROR: Yes, sir.

THE COURT: And, first of all, I'm sorry that they come up and I'm sorry that they come up now. So tell me about it if you would.

JUROR: Well, it all makes sense. I get paid by the hour so if I don't go he doesn't pay me.

THE COURT: Doesn't pay you all?

JUROR: No, sir.

THE COURT: For the two weeks, anything?

JUROR: No, sir. I was thinking it would be nice if I called Unemployment and get that weekly pay which is smaller than the amount that I get but at least it's something.

THE COURT: And you get a fee here.

JUROR: That fee that I got here.

THE COURT: I don't want you to go into the poor house over this.

Are you going to be able to manage this?

JUROR: It's better than nothing.

THE COURT: Well, I mean, if it's going to be a real hardship, you know, I don't want to drive you into poverty.

Do you have family and everything?

JUROR: Yes, sir. I have only my wife but I own a home, so.

THE COURT: You got some bills.

JUROR: I'm the head of the household so I pay all the bills and mortgage.

THE COURT: The name of your mirror is what.

JUROR: The company is [redacted].

THE COURT: [redacted]?

JUROR: Yes.

THE COURT: Where are they located?

JUROR: The office is on [redacted].

THE COURT: I see. And their policy is they don't pay you at all.

JUROR: It's a policy. It's just, you know, I started with them when it was private, used to do private jobs, so I was a long time ago. So he always pays by the hour. So if I don't work then I don't get paid. Simple.

THE COURT: Well, I tell you what. I'm going to try to reach out to them, I can't promise you anything, and see what, if anything, we'll do.

JUROR: Well, sir, if you cannot do anything else, like, without contacting them then I'll just have to come here. I know this is my duty and I respect it.

THE COURT: Your duty is fine, I appreciate it, but we don't expect you to go to the poor house over jury duty.

JUROR: Yeah, well, see I feel like if you contact him it's going to bring me more hardship.

THE COURT: Is that right?

JUROR: A greater hardship than it's already been done by me coming in.

THE COURT: If that's the case, come in tomorrow morning, I have to talk to everybody else about it. But if there's no solution to this, I'm going to ask everybody to let you go. I appreciate your attitude, it's wonderful, the willingness to serve.

JUROR: It's my pleasure.

THE COURT: It's your pleasure but it's also a great hardship for you. The difference in the amount of money you're getting, I assume, is significant.

JUROR: Yes.

THE COURT: Come in tomorrow morning and we'll see what we can do.

JUROR: Thank you very much for having me.

THE COURT: Sorry to bring you back but you got to do that. I can't make the decisions unilaterally. Thank you. Thank you for your attitude, I appreciate it.

JUROR: Thank you.

COURTROOM DEPUTY: Okay, sir.

(Juror No. 91 exits the room.)

(WHEREUPON, this matter was adjourned to February 18, 2015, at 9:30 a.m.)

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